80-6657

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON, PETITIONER

V.

OTIS ABERNATHY, RALPH JOHNSON, JAMES E. LEWIS, KENNETH GORDON, THEODORE FRANKEL, JOHN HINCHEY, HANS J. SCHACHT, NEIL GUNTER & WESLEY BOYD.

RE: C.A.NO.79-106-N

OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, THEODORE FRANKEL, KENNETH GORDON, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD & THE UNITED STATES DISTRICT COURT -NORTHERN DISTRICT OF GA.

RE: C.A.NO.80-1236-A

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES THE PETITIONER, JAMES E. PATTERSON, PRO SE, AND MOVES THIS COURT FOR LEAVE TO PROCEED IN THIS ACTION IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. # 1915 WITHOUT FIRST BEING REQUIRED TO PREPAY FEES AND THE COSTS OR OTHERWISE BEING REQUIRED TO GIVE SECURITY THEREFOR. IN SUPPORT OF THIS MOTION PETITIONER, PRO SE, HAS ATTACHED HIS AFFIDAVIT OF POVERTY HERETO.

THE UNITED STATES SUPREME COURT NOT ONLY HAS THE POWER TO CONSIDER THIS MOTION FOR RELIEF FROM A CORRUPTED FEDERAL DISTRICT COURT BUT IT IS THE SWORN DUTY OF THIS COURT TO KEEP THE DIDTRICT COURTS FREE OF JUDGES KNOWN TO BE GUILTY OF MALFEASANCE IN OFFICE. 28 U.S.C. # 1253.

THE COURT SHOULD PERMIT THIS APPEAL IN FORMA PAUPERIS ON THE GROUNDS THAT INJUNCTIVE RELIEF GRANTED TO THE DEFENDANTS THAT IS NOT BASED ON EITHER SWORN AFFIDAVITS OR EVIDENCE DEDUCED AT A HEARING IS UNCONSTITUTIONAL. 28 U.S.C.# 1253. MCCLUSAS V. DECHAMPLAIN (1975) 421 US 21, 95 SCT 1365, 43 LE2D 699.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
(404) 882-8533

DATED: 3-6-81.

B..

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OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON,THEODORE FRANKEL,HANS SCHACHT,WESLEY BOYD,NEIL GUNTER, RALPH JOHNSON,AND ALL BONDING COMPANIES COVERING THE ABOVE RESPONDENTS

RESPONDENTS

C.A.NO.79-106-N

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES* LEWIS, * KENNETH GORDON,THEODORE FRANKEL,* *HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD,RALPH JOHNSON, WILLIAM E.HOFFMAN,JR.,JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA. *= LAWYER.

AFFIDAVIT SUPPORTING PETITION FOR LEAVE TO

APPEAL IN FORMA PAUPERIS

I,JAMES E.PATTERSON,BEING FIRST DULY SWORN,DEPOSE AND SAY THAT I THE PETITIONER IN THE ABOVE-ENTITLED CASES; THAT IN SUPPORT OF MY PETITION TO PROCEED ON APPEAL WITHOUT BEING REQUIRED TO PREPAY FEES, COSTS OR GIVE SECURITY THEREFOR,I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF SAID PROCEEDING OR TO GIVE SECURITY THEREFORE; THAT I BELIEVE I AM ENTITLED TO REDRESS; AND THE ISSUES WHICH I DESIRE TO PRESENT ON APPEAL ARE THE FOLLOWING:

1. THE FEDERAL JUDICARY CONSPIRACY EMPLOYED SINCE 1977 BY THE DISTRICT AND APPEALS COURT WITH STATE EMPLOYEES AND PRIVATE CITIZENS TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

2. WHEN FOUR (4) DISTRICT COURT JUDGES BECOMES INVOLVED IN A --- FEDERAL JUDICARY CONSPIRACY TO COVER UP FOR ANOTHER FEDERAL JUDGE ,WHO IS GUILTY OF MALFESANCE IN OFFICE,IT IS TIME FOR THIS COURT TO DEMONSTRATE TO THE FIFTH CIRCUIT COURT OF APPEALS THAT THIS COURT DOES NOT CONDONE SUCH FRAUDULENT CONDUCT EVEN IF THAT COURT DOES, AND "IT" DOES SO CONDONE.

1. ARE YOU PRESENTLY EMPLOYED?
   (a) NO.

C.

1. (b) IF ANSWER IS NO, STATE DATE OF LAST EMPLOYMENT AND THE AMOUNT OF THE SALARY AND WAGES RECEIVED?

(a) LAST EMPLOYMENT SCHOOL YEAR 1975-1976 WITH ANNUAL --- SALARY OF $ 15,000.00 PER YEAR. SCHOOL SOCIAL WORKER.

2. HAVE YOU RECEIVED WITHIN THE PAST TWELVE MONTHS ANY INCOME FROM A BUSINESS, PROFESSION OR OTHER FORMS OF SELF EMPLOYMENT, OR IN THE FORM OF RENTS, INTEREST, DIVIDENDS, OR OTHER SOURCE?

(a) RECEIVE $ 496.30 PER MONTH DISABILITY INSURANCE FROM - THE SOCIAL SECURITY ADMINISTRATION.

3. DO YOU OWN ANY CASH OR CHECKING OR SAVINGS ACOUNT?

(a) NO SAVINGS ACCOUNT. LESS THAN $ 100.00 IN CHECKING ACCOUNT.

4. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES, AUTOMOBILES, OR OTHER VALUABLE PROPERTY.

(a) ONLY OWN A 1948 FORD AND A 1968 CHEVROLET.

5. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND STATE THEIR RELATIONSHIP WITH YOU.

(a) I SHARE THE EXPENSES FOR THE HOME IN WHICH I RESIDE WITH MY SINGLE SISTER, WHO IS UN-EMPLOYED DUE TO A HEART CONDITION.

I UNDERSTAND THAT A FALSE STATEMENT OR ANSWER TO ANY QUESTIONS IN THIS AFFIDAVIT WILL SUBJECT ME TO THE PENALTY FOR PERJURY.

James Patterson
JAMES E. PATTERSON

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF March 1981.

Sharon Pruett
NOTARY, PUBLIC

My Commission Expires Aug. 21, 1981.

C.

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JURISDICTIONAL STATEMENT

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I SEEK AS A PRO SE TO DETERMINE IF DISTRICT AND APPELLANT COURT JUDGES HAVE THE POWER TO COVER UP THE MALFEASANCE CONDUCT IN OFFICE OF FOUR (4) FEDERAL JUDGES.

I, FURTHER CERTIFY THAT I AM AN INDIGENT CITIZEN AND THEREFORE LACK THE MONEY TO FILE AN APPEAL WITH THIS COURT WHICH COMPLIES WITH THE RULES OF THIS COURT. THUS, WE SHALL DETERMINE WHETHER MERITS OF A COMPLAINT OR AN APPEAL MATTER MORE THAN THE REQUIRED FORM OF SUCH AN APPEAL.

THIS APPEAL SEEKS TO LEARN IF A DISTRICT COURT JUDGE HAS THE POWER TO GRANT PARTIES A PERMANENT INJUNCTIVE ORDER WITHOUT AFFORDING US A HEARING AS REQUIRED BY FED R CIV P RULE 65(a)(1). THIS COURT HELD IN GRANNY GOOSE FOODS, INC. V. BROTHERHOOD OF TEAMSTERS & AUTO TRUCH DRIVERS (1974) THAT "THE NOTICE REQUIREMENT OF FED R CIV P RULE 65(a)(1) IMPLIED A HEARING IN WHICH THE DEFENDANT IS GRANTED A FAIR OPPORTUNITY TO OPPOSE THE APPLICATION FOR A PRELIMINARY INJUNCTION AND TO PREPARE FOR SUCH OPPOSITION".

THEREFORE, THE PERMANENT INJUNCTIVE RELIEF GRANTED TO THE NINE (9) DEFENDANTS IN THE CAPTIONED COMPLAINTS WAS UNCONSTITUTIONAL, AND WE SEEK SUCH A RULING FROM THIS COURT.

A PARTY RESTRAINED BY AN INJUNCTIVE JUDGMENT HAS THE SECURED -- RIGHT BY PROVISIONS OF FED R CIV P RULE 62(c) TO FILE ACTION SEEKING RELIEF. STATE OF NEW YORK V. NUCLEAR REGULATORY COMM (1972) 550 F2D 745.

THEREFORE, WE SEEK TO LEARN WHETHER WE HAD THE SECURED RIGHT TO HAVE FILED C.A.NO.80-1236-A ASKING FOR RELIEF FROM AN INJUNCTIVE CLAUSE TACKED ON TO DISMISSAL ORDER OF C.A.NO.79-106-N IN CLEAR VIOLATION OF FED R CIV P RULE 65(d). THE COURT WITH JURISDICTION OVER ACTION NO.C80-1236-A RULED THAT WE COULD NOT FILE IT BECAUSE IT DID VIOLATE THE INJUNCTIVE CLAUSE TACKED ONTO DISMISSAL ORDER FOR CASE NO.C79-106-N. THEREFORE, OUR EFFORT TO SHOW THE INJUNCTIVE CLAUSE - WAS UNCONSTITUTIONAL VIOLATED OUR RIGHTS OF DUE PROCESS OF LAW SECURED BY THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

WE SEEK TO LEARN WHETHER OR NOT THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS ASSURE US OF A SPEEDY TRIAL ON THE ALLEGED VIOLATION OF 18 U.S.C.# 401, CONTEMPT OF COURT. THEN WHAT DOES THIS COURT CONSIDER TO BE SPEEDY WHEN THE SHOW CAUSE ORDER WAS ISSUED ON AUGUST 7, 1980 AND OUR FOUR (4) MOTIONS FOR COURT APPOINTED COUNSEL HAVE BEEN IGNORED BY BOTH THE DISTRICT AND FIFTH CIRCUIT COURT OF APPEALS?

THEREFORE, IT IS OUR ARGUMENT THAT OUR CONSTITUTIONAL RIGHTS TO COURT APPOINTED COUNSEL AND A SPEEDY TRIAL ON THE ALLEGED VIOLATION OF STATUTE 18 U.S.C.# 401 HAVE BEEN DENIED.

WE FURTHER CERTIFY THAT BOTH THE DISTRICT AND APPELLATE COURTS HAVE ISSUED ORDERS TO THEIR CLERKS AND THE DEFENDANTS THAT NO FURTHER PLEADINGS REVELANT TO THE ABOVE UNCONSTITUTIONAL ACTS WILL BE RECEIVED AND THAT DEFENDANTS WILL NOT RESPOND TO ANY PLEADING SERVED

ON THEM SINCE THE DISTRICT COURT RULED ON OCTOBER 2,1980 THAT WE WERE GUILTY OF CONTEMPT WHEN WE HAD NOT BEEN AFFORDED EITHER LEGAL COUNSEL OR A TRIAL.

THEREFORE,THE LOGICAL QUESTION IS WHAT WILL BE ACCOMPLISHED BY OUR SERVING A COPY OF THIS APPEAL ON THE COURTS AND DEFENDANTS --- SINCE THE CLERKS CANNOT RECIEVE IT AND THE DEFENDANTS HAVE BEEN ORDERED NOT TO FILE A RESPONSIVE PLEADING?

HOWEVER,WE CERTIFY THAT A COMPLETE COPY OF THIS APPEAL FOR OUR CONSTITUTIONAL RIGHTS HAS BEEN OFFERED TO BOTH THE APPELLATE COURT AND TO THE DISTRICT COURT.

WHEREFORE,WE SEEK OUR CONSTITUTIONAL RIGHTS TO A TRIAL WITH COUNSEL TO SHOW THAT THE DEFENDANTS WERE NOT ENTITLED TO PERMANENT INJUNCTIVE RELIEF, AND THAT (2) WE HAD THE SECURED RIGHT TO HAVE MADE A CHALLENGE AGAINST THAT UNCONSTITUTIONAL PERMANENT INJUNCTIVE RELIEF BY TRYING TO FILE ACTION NO.C80-1236-A,AND THAT (3) WE ARE NOT GUILTY OF CONTEMPT OF A VALID FEDERAL COURT ORDER.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 3-6-81 .

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RESPONDENTS.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD,RALPH JOHNSON,& THE DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA.

RESPONDENTS.

JURISDICTION

THIS COURT HAS JURISDICION OF THIS PETITION FOR ALLOWANCE OF AN APPEAL PURSUANT TO DENIAL OF PRO SE PETITIONER'S DUE PROCESS OF LAW RIGHTS IMPLIED IN THE FIRST,FIFTH,SIXTH,SEVENTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION,AND BY 28 USC # 1331,WHICH HOLDS THAT A PARTY HAVING BEEN CHARGED WITH VIOLATION OF A FEDERAL STATUTE SHALL HAVE THE RIGHT TO A SPEEDY TRIAL WITH REPRESENTATION BY LEGAL COUNSEL.

CONCISE SUMMARY-2.

THIS PETITION FOR AN ORDER REQUIRING THE DISTRICT COURT TO AFFORD THIS DISABLED,UNEMPLOYED,INDIGENT PRO SE A CIVIL CONTEMPT TRIAL--DOCUMENTS THAT CERTAIN DISTRICT COURT JUDGES ARE GUILTY OF CONSPIRACY AND OF CERTIFYING KNOWN TO BE PERJURED STATEMENTS REVELANT TO THIS PRO SE TO THE FIFTH CIRCUIT COURT OF APPEALS AND WE ALSO DOCUMENT THAT THE FIFTH CIRCUIT HAS COVERED UP THE DISTRICT COURT'S CONSPIRACY AND ACCEPTANCE OF A BRIBE IN FAVOR OF THE DEFENDANTS AND ADVERSELY TO THIS PRO SE. A JUDGE KNOWN TO BE GUILTY OF ACCEPTING A BRIBE AND OF CONSPIRACY IS A CRIMINAL AND SHOULD BE REMOVED FROM THE FEDERAL JUDICARY BENCH.

THIS BRIEF USES THE FORM REQUIRED BY U.S.APPEALS COURT,D.C.CIRCUIT WHEN APPEALING FROM THAT COURT TO THE SUPREME COURT.SEE,U.S.COURT OF APPEALS RULES,28 U.S.C.A. SEE,PAGE # 272.

STATEMENT OF QUESTIONS INVOLVED-3.

1. HAS A PARTY BEEN AFFORDED DUE PROCESS WHEN A FEDERAL JUDGE DEFRAUDS HIM OF HIS "PROPERTY RIGHT",A JOB,FOR A BRIBE?

(a). PETITIONER CONTENDS THAT BY THIS LATE DATE AT LEAST ONE OF FIVE FEDERAL DISTRICT COURT JUDGES INVOLVED SHOULD HAVE ANSWERED THIS QUESTION,BUT THEY REFUSE TO EVEN ACKNOWLEDGE THIS CLAIM ON - WHICH RELIEF IS GROUNDED.

(b) NOW,THE JUDGES EMPLOY A FEDERAL CONSPIRACY TO COVER UP FOR THE JUDGE GUILTY OF DEFRAUDING ME OF MY EMPLOYMENT IN THE ABSENCE OF DUE PROCESS.

2. IS'NT A JUDGE GUILTY OF CONSPIRACY AND HAS'NT HE BEEN BRIBED WHEN HE PERMITS THE DEFENDANTS TO A PROCEEDINGS CONTROL TWO (2) FEDERAL COURT JUDGMENTS VIA MEANS OF A FRAUDULENT PRE-TRIAL ORDER?

(a). THE DISTRICT COURT REFUSES TO ACKNOWLEDGE THIS CLAIM MUST LESS ENTER A RULING THEREON.

(b). THE FIFTH CIRCUIT REFUSED TO ENTER A RULING ON THE GROUND THAT APPEAL WAS THREE (3) DAYS LATE FROM BEING FILED TIMELY.

(c) NO ATTORNEY REPRESENTED US IN THE CASES IN WHICH THE JUDGE "RIPPED US OFF"WITH A FRAUDULENT PRE-TRIAL ORDER,BUT THE JUDGE'S FINAL ORDERS FOR THOSE CASES STATED THAT WE WERE REPRESENTED BY "LEGAL COUNSEL".

3. IS'NT A JUDGE GUILTY OF HAVING ACCEPTED A BRIBE FROM THE DEFENDANTS WHEN HE FAVORS THEM WITH A FRAUDULENT ORDER STATING THAT,"ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL,INCLUDING THE PLAINTIFF, PRO SE?"

(a) BOTH THE DISTRICT AND APPELLANT COURTS REFUSED TO ENTER A RULING ON OUR CLAIM THAT NO LAWYER REPRESENTED US WITH THE TWO CASES REFERRED TO ABOVE,SPECIFICALLY,CASES NOS.C78-31-N & C78-47-N.

(b) IT IS OUR CONTENTION THAT THE COURTS SHOULD HAVE EITHER - ADMITTED OR DENIED OUR CLAIM THAT NO LAWYER REPRESENTED US.

4. DOES'NT FED R CIV P RULE 56(c),SUBD.(e) REQUIRE A PARTY SERVED A SUMMARY JUDGMENT MOTION TO ANSWER BY CONTROVERTING SAME?

(a) THE COURT(S) REFUSED TO ENTER A RULING .

(b) THE PETITIONER CONTENDS THAT FEDERAL LAW DOES REQUIRE THAT A SUMMARY JUDGMENT MOTION BE CONTROVERTED BY THE MOVANT AND LOCAL - RULE 91.2 MAKES THAT REQUIREMENT,AS WELL AS THE LAW CITED.

(c) THE PETITIONER ARGUES THAT THE BRIBE PAID THE FEDERAL - JUDGE ALSO PAID FOR HIS FRAUDULENT RULING THAT A SUMMARY JUDGMENT MOTION DID NOT HAVE TO BE DEFENDED REVELANT TO CASES NOS.C78-31-N, & C78-47-N.

5. DOES A JUDGE HAVE THE POWER TO QUASH ALL SUBPOENAES FOR THIS PRO SE'S WITNESSES?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C79-106-N REFUSED TO ENTER A RULING UPON THIS DENIAL OF DUE PROCESS REVELANT TO CASES NOS.C78-31-N & C78-47-N WHICH WERE TRIED TOGETHER.

(b) WE CONTEND THAT THE SIXTH AMENDMENTS GUARANTEE OF COMPULSORY PROCESS AFFORDED US THE RIGHT TO CALL WITNESSES. DENIAL OF SAID RIGHT AND COVER UP SHOWS CONSPIRACY.

6. DOES A JUDGE HAVE THE POWER TO RULE THAT A PRO SE CANNOT UTLIZE DOCUMENTS AT TRIAL FOR CASES NOS.C78-31-N & C78-47-N WHICH WERE CERTIFIED BY THE COURT CLERK TO BE COPIES FROM THE ORIGINAL RECORD REVELANT TO THIS MATTER?

(a) THE COURT CONTROLLING CASE NO.C79-106-N IGNORED THIS - CLAIM OF DENIAL OF DUE PROCESS AND DID NOT ENTEF A RULING UPON SAME.

(b) WE CONTEND THAT THE COURT, INCLUDING THE APPEALS COURT - SHOULD HAVE ENTERED A RULING UPON THIS DOCUMENTED DENIAL OF DUE -- PROCESS.

7. DOES A JUDGE HAVE THE POWER TO ISSUE AN ORDER REQUIRING THE DEFENDANTS TO MAKE US A CONSENT JUDGMENT OFFER FOR CASE NO.C79-106N AND THEN NEVER ENFORCE OR VACATE IT BEFORE HE TERMINATES SAID CASE?

(a) THE COURT WITH JURISDICTION OVE CASE NO.C80-1236-A REFUSED TO MAKE SUCH A FINDING THAT THE ORDER WAS VALID UNTIL ADJUDICATED OR VACATED.

(b) WE CONTEND THAT HAD SAID CONSENT JUDGMENT ORDER BEEN ISSUED TO A CLIENT WITH LEGAL COUNSEL THAT SAID ORDER WOULD HAVE BEEN ENFORCED BY THE COURT.CONSPIRACY NOT TO ENFORCE AND FOR COURT WITH CASE NO.C80-1236-A NOT TO REQUIRE ITS ENFORCEMENT.REQUIRED, RULE 68.

8. WHEN A PARTY TO AN ONGOING TRIAL CONTENDS THAT A SPECIFIC HEARING RECORD COMPILED BY A STATE EDUCATION COMMISSION IS A FRAUD DOES THE COURT HAVE THE POWER TO RULE THAT SAID RECORD CANNOT BE BROUGHT INTO THE COURT-ROOM?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C79-106-N REFUS-- ED TO ENTER A RULING AS TO WHETHER THIS PRO SE WAS DENIED DUE PROCESS AT "TRIAL?" OF CASES NOS.C78-31-N & C78-47-N WHEN CASE NO.C78-47-N ALLEGED THAT THE RECORD WAS A FRAUD.

(b) WE CONTEND THAT THE DISTRICT AND APPELLATE COURTS SHOULD HAVE RULED THAT WE COULD'NT SHOW THAT A RECORD WAS A FRAUD SINCE WE WERE DENIED ACCESS TO THE ALLEGED RECORD.

9. DO DISTRICT COURT JUDGES HAVE IMMUNITY FROM PROSECUTION WHEN EVIDENCE SHOWS THEY ARE GUILTY OF BEING DISHONEST AND OF MALFESANCE IN OFFICE REVELANT TO THEIR COVER UP WITH CASES NOS.C79-106-N AND C 80-1236-A.

(a) NO RULING.

(b) WE CONTEND THAT IF THE SAME EVIDENCE WERE AVAILABLE TO A LAWYER THAT HE WOULD HAVE SUCCEEDED IN A CHANGE OF VENUE MOTION FOR

9. (b) BOTH CASES NOS.C79-106-N AND C80-1236-A.NO LAWYER REPRESENTED US AND SO BOTH CASES WERE DISMISSED.

(c) THE FIFTH CIRCUIT COVERED UP FOR THE DISTRICT COURT BY REFUSING TO ACCEPT APPEALS ON THE FALSE GROUNDS THAT APPEALS WERE"NOT TAKEN IN GOOD FAITH"AND"WERE NOT TIMELY"

10. DOES A FEDERAL COURT HAVE THE POWER TO TAKE MY PROPERTY RIGHT WITHOUT FIRST HAVING COMPENSATED ME?

(a) THE COURTS REVELANT TO CASES NOS.C79-106-N & C80-1236-A IGNORED THIS CLAIM FOR WHICH RELIEF COULD BE GROUNDED.

(b) WE CONTEND THAT THE COURTS SHOULD HAVE CLEARED UP THIS MAJOR ALLEGATION.DEMONSTRATION OF USE OF FEDERAL POWER BEING ABUSED.

(c) THE FIFTH CIRCUIT REFUSED TO RULE UPON THIS CLAIM ON THE GROUND THAT OUR PLEADINGS WERE "ALMOST UNINTELLIGIBLE" AND THUS, THE RULING WAS THAT"WE CAN'T RULE ON CLAIMS WHICH ARE NOT CAPABLE OF BEING INTERPRETED" SUCH A FRAUDULENT RULING IS A COVER UP.

11. DOES A DISTRICT COURT HAVE POWER TO VIOLATE FEDERAL RULE 56 (c),SUBD.(e) BY DISMISSING CASE NO.C79-106-N 16 DAYS AFTER WE HAD FILED A SUMMARY JUDGMENT MOTION AND WHEN THE DEFENDANTS RESPONSES HAD MADE NO EFFORT TO CONTROVERT SAID MOTION? CHEATED BY A JUDGE.

(a) THE COURT HAS NEVER EVEN MENTION THAT WE FILED A NON-CONTROVERTED SUMMARY JUDGMENT MOTION.

(b) WE CONTEND THAT THE FEDERAL AND LOCAL RULES REQUIRED THE COURT TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION.CONSPIRACY DEMANDED "NO RULING"

(c) DENIED A RULING BY THE FIFTH CIRCUIT."UNINTELLIGIBLE"

12. DID THE DISTRICT COURT JUDGE HAVE THE POWER TO FALSELY STATE IN HIS PRETIRIAL CONFERENCE ORDER FOR CASES NOS.C78-31-N & C78-47-N THAT;"ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL,INCLUDING(THIS) THE PLAINTIFF,PRO SE?" ONE CAN'T BE A PRO SE IF WITH LEGAL COUNSEL.

(a) THREE OTHER DISTRICT FEDERAL COURT JUDGES HAVE NOW CONSPIRED TO COVER UP THE CONSPIRACY OF"THAT JUDGE"WITH THE DEFENDANTS.

(b) THE COURT(S) REFUSE TO RULE ON THIS DENIAL OF DUE PROCESS.

(c) NO LAWYER HAS REPRESENTED THIS PRO SE DURING THE FOUR YEARS THAT HE HAS BEEN TRYING TO BE COMPENSATED FOR THE COURT TAKING MY PROPERTY RIGHT WITH A FRAUDULENT ORDER.ORDER NO.C77-6-N.

(d) THE FIFTH CIRCUIT COVERED UP THIS CONSPIRACY BY RULING "MOTION WAS NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE"

(e) WE CONTEND THAT THE COURT WITH CASES NOS.C79-106-N & C80-1236-A WOULD HAVE RULED ON THIS CONSPIRACY EVIDENCE IF A LAWYER HAD PRESENTED SAME EVIDENCE.

13. DOES A DISTRICT COURT JUDGE HAVE THE POWER TO IGNORE EVERY, AND I DO MEAN "EVERY"CLAIM SET FORTH ON WHICH RELIEF IS GROUNDED IN ORDER TO DISMISS CASE NO.C79-106-N,A PRO SE COMPLAINT?

(A) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A REFUSED TO RULE EITHER "YES" OR "NO" ON THIS CLAIM AND CONSPIRACY EVIDENCE.

12.(b) THE FIFTH CIRCUIT REFUSED TO RULE ON THIS DENIAL OF DUE PROCESS ON THE FRAUDULENT GROUNDS THAT SAID "APPEAL WAS NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE" COVER UP.

(c) WE CONTEND THAT THE COURTS SHOULD HAVE RULED ON OUR CLAIM THAT THE COURT WITH CASE NO.C79-106-N CONSPIRED AGAINST US FOR BENEFIT OF DEFENDANTS AND ANOTHER FEDERAL COURT JUDGE.

(d) IS DISTRICT COURT JUDGE,ROBERT L.VINING,JR.,BEING HONEST WHEN HE NOW CLAIMS THAT WE HAVE REPEATEDLY TRIED TO RE-LITIGATE ISSUES ALREADY ADJUDICATED WHEN THE COURT ACCEPTS AS TRUE SUB SECTIONS (B) AND (c) OF THIS "INVOLVED QUESTION" AS TRUE?

13. DIS THE FIFTH CIRCUIT COURT OF APPEALS HAVE THE POWER TO ISSUE AN ORDER FALSELY SHOWING THAT WE HAD PERFECTED AN APPEAL FOR -- CASES NOS.C78-31-N & C78-47-N WHEN IN FACT WE HAD NOT DONE SO?

(a) THE DISTRICT COURT REFUSED TO RULE ON THIS CLAIM OF COVER UP AND CONSPIRACY WHICH WE DOCUMENTED WAS DONE SO THAT THE FIFTH CIRCUIT,COULD AS IT DID, COME TO THE RESCUE OF DEFENDANTS AND DISTRICT FEDERAL COURT JUDGES.

(b) THE COURTS WITH CASES NOS.C79-106-N AND C80-1236-A SHOULD HAVE RULES "YES" OR "NO"PER COVER UP BUT SINCE IT MADE NO SUCH RULING THEIR SILENCE IS WORTH MORE THAN A THOUSAND WORDS.

(c) SUCH DOCUMENTED EVIDENCE CAUSED BOTH CASES TO BE FRAUDULENTLY DISMISSED.

14. DID THE COURT REVELANT TO CASE NO.C79-106-N HAVE THE POWER TO FRAUDULENTLY DISMISS THAT CASE SOLELY BECAUSE WE DEMANDED THAT THE LAWYER WHOM THE PREVIOUS COURT AND SAME DEFENDANTS CLAIMED REPRESENTED US IN CASES NOS.C78-31-N & C78-47-N BE PRODUCED?

(a) NEITHER THE COURT REVELANT TO CASES NOS.C79-106-N & C80-1236-A SUPPORTED OUR RIGHT TO DEMAND THAT SAID LAWYER BE PRODUCED.

(b) THE APPEALS COURT RULED "NOT TIMELY"AND "ALMOST UNINTELLIGIBLE" AND COVERED UP.CONSPIRACY.

(c) WE CONTEND THAT THE LAWYER SHOULD HAVE BEEN PRODUCED.

(d) I HAD THE CONSTITUTIONAL DUE PROCESS RIGHT TO FORCE THIS ISSUE INTO THE "OPENING"TO SHOW THAT A FEDERAL JUDGE ACCEPTED A -- BRIBE IN EXCHANGE FOR FAVORABLE JUDGMENTS REVELANT TO CASES NOS.C78-31-N & C78-47-N.HE ALSO SOLD A FAVORABLE JUDGMENT FOR ORDER NO.C77-6 N.

15. WHEN THE COURT FRAUDULENTLY DISMISSED CASE NO.C79-106-N WITH NO EFFORT TO ADJUDICATE OR VACATE IT'S ORDER FOR A CONSENT JUDGMENT ISSUED ON MARCH 5,1980,OR TO ADJUDICATE OUR CLAIMS SET FORTH IN A SUMMARY JUDGMENT MOTION SERVED ON MARCH 4,1980,DID THE COURT HAVE THE POWER TO TACK ON TO SAID DISMISSAL ORDER AN ORDER DEMANDING SUPPRESSION OF EVIDENCE THAT NO LAWYER REPRESENTED US WITH CASES NOS.C 78-31-N AND C78-47-N.

(a) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A DID NOT RULE THAT THE COURT HAD NO SUCH POWER,BUT RULED OTHERWISE,AND

15. THUS,CASE NO.C80-1236-A WAS NEVER "OFFICALLY FILED"AND NO -- PARTY NAMED AS A DEFENDANT WAS SERVED A SUMMONS AND COPY OF CASE NO. C80-1236-A. COVER UP.CONSPIRACY.

(b) WE CONTEND THAT THE COURT SHOULD HAVE RULED THAT THE SUPPRESSION ORDER "WAS OF NO LEGAL EFFECT"

(C) THE FIFTH RULED"NOT TIMELY" & "ALMOST UNINTELLIGIBLE"

(d) IF A PERSON MURDERS JOHN DOE ON FEBRUARY 15,1981 AND THE WARRANT FOR HIS ARREST ALLEGES THAT THE MURDER WAS AN ACT COMMITTED ON FEBRUARY 18,1981 DOES DOE GO FREE ON THE GROUNDS THAT THE WARRANT "IS NOT TIMELY" NOT HARDLY,JUDGE HILL OF THE FIFTH CIRCUIT.

16. HAS A PRO SE VIOLATED A VALID ORDER WHEN HE IGNORES CITED "SUPPRESSION ORDER" AND FILES CASE NO.C80-1236-A TO CLAIM HIS RIGHT TO SUMMARY JUDGMENT FOR CASE NO.C79-106-N AND TO THE CONSENT JUDGMENT ORDERED FOR THAT CASE?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A RULED THAT THE "SUPPRESSION ORDER"WAS VALID AND THUS DISMISSED CASE NO.C80-1236-A BEFORE IT WAS EVER SERVED ON A DEFENDANT.

(b) JUDGE HILL RULED "MOTION UNTIMELY"AND "ALMOST UNINTELLIGIBLE"REVELANT TO A MOTION TO PERMIT CASE NO.C80-1236-A BE FILED & SERVED.

(c) WE CONTEND THAT THE "SUPPRESSION ORDER WAS NOT LEGAL OR VALID.DISMISSAL OF CASE NO.C80-1236-A CHEATED US OUT OF A $ 65.00 FILING FEE AND THE RIGHT TO THE JUDGMENT FOR CASE NO.C80-1236-A.

17. SINCE NO NAMED DEFENDANT WAS EVER SERVED A COPY OF CASE NO. C80-1236-A HOW DID JUST ONE SPECIFIC LAWYER HAPPEN TO LEARN THAT WE WERE TRYING TO FILE CASE NO.C80-1236-A AND HAVE IT SERVED UNLESS HE WAS A MEMBER OF THE FEDERAL CONSPIRACY EMPLOYED AGAINST THIS PRO SE FOR THE PAST FOUR (4) YEARS TO DENY US COMPENSATION FOR HAVING CONFISCATING OUR PROPERTY RIGHT?

(a) JUDGE JAMES HILL OF THE FIFTH CIRCUIT REFUSED TO RULE ON THIS CONSPIRACY EVIDENCE ON THE GROUNDS THAT OUR MOTION"WAS NOT TIMELY" AND "WAS ALMOST UNINTELLIGIBLE"COVER UP.

(b) WE CONTEND THAT JUDGE HILL HAS SIGNALED TO THE DISTRICT COURT THAT "ANY-THING GOES AGAINST A PRO SE"

18. DOES A DISTRICT COURT HAVE POWER TO GRANT DEFENDANTS PERMANENT INJUNCTIVE RELIEF ON THE SOLE BASIS OF UNSWORN ALLEGATIONS WHEN THOSE ALLEGATIONS ARE CONTROVERTED BY AFFIDAVIT?

(a) THE COURT WITH CONTROL OVER CASE NO.C80-1236-A RULED"YES"

(b) JUDGE HILL RULED"MOTION FOR AN ORDER NOT TIMELY AND ALMOST UNINTELLIGIBLE,MOTION DISMISSED"

19. HAS THIS PRO SE BEEN AFFORDED A "PROPER TRIAL",AS CLAIMED BY DISTRICT COURT JUDGE VINING,WHEN THE HEARING RECORD REVEALS THAT HE WAS CONVICTED AS THE AUTHOR OF 127 DOCUMENTS SAID TO BEAR HIS SIGNATURES ,BUT WHICH THE SAME RECORD SHOWS THAT HE WAS NOT CONFRONTED

19. ON CROSS EXAMINATION.

(a) JUDGE VINING'S RULING IS NOT SUPPORTED BY THE HEARING RECORD.

(b) CONFRONTATION ON CROSS EXAMINATION REVELANT TO SUCH EVIDENCE IS A FUNDAMENTAL ELEMENT OF DUE PROCESS.

(c) JUDGE HILL RULED FOR THE FIFTH CIRCUIT;"MOTION NOT TIMELY AND ALMOST UNINTELLIGIBLE;" "MOTION DISMISSED;"

20. DOES A DISTRICT FEDERAL COURT JUDGE HAVE THE POWER TO LEGALLY ISSUE ON AUGUST 7,1980 AN ORDER TO "SHOW CAUSE WHY YOU SHOULD NOT BE JUDGED IN CONTEMPT (DID NOT SPECIFY "CIVIL"OR CRIMINAL") OF THIS COURT" AND THEN IGNORE FOUR (4) MONTIONS SEEKING A "SHOW CAUSE TRIAL; WITH OR WITHOUT COUNSEL?

(a) JUDGE HILL RULED FOR THE FIFTH CIRCUIT;"MOTION FOR AN ORDER MANDATING A TRIAL NOT TIMELY AND ALMOST UNINTELLIGIBLE;" "MOTION DISMISSED.

(b) JUDGE HILL SHOULD HAVE RULED THAT THE FIFTH AND SIXTH AMENDMENTS ASSURES A PARTY CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE "A SPEEDY TRIAL WITH COUNSEL;" HE DID NOT-BUT HE DID COVER UP FOR THE DISTRICT COURT.

21. DOES JUDGE VINING HAVE THE POWER TO DENY US A CONTEMPT TRIAL, WHETHER CIVIL OR CRIMINAL WE CAN'T SAY BECAUSE THE CITATION DOES NOT SPECIFY,AND THEN ENTER AN ORDER JUDGING US TO BE IN CONTEMPT?

(a) JUDGE HILL SHOULD HAVE RULED ON THIS QUESTION SHOWING A DENIAL OF DUE PROCESS,BUT HE DID NOT.

22. IS JUDGE VINING BEING HONEST WHEN HE ASSERTS IN HIS ORDER JUDGING US TO BE GUILTY OF "CIVIL?" OR "CRIMINAL?" CONTEMPT OF COURT THAT HE LACKS THE POWER TO PUNISH US FOR HAVING"VIOLATED A VALID - ORDER OF THIS COURT?"

(a) JUDGE HILL REFUSED TO RULE ON JUDGE VINING'S FRAUDULENT ASSERTION. COVER UP TO KEEP US FROM SHOWING THE FEDERAL CONSPIRACY AND TO FORCE PRODUCTION OF "THAT LAWYER"WHOM THE COURT FRAUDULENTLY ASSERTED REPRESENTED US WITH CASES NOS.C78-31-N & C78-47-N.

(b) WE CONTEND THAT JUDGE HILL SHOULD HAVE RULED THAT A FEDERAL COURT DOES HAVE POWER TO ENFORCE ITS ORDERS.JAIL AND/OR A FINE.

23. WHEN THE DISTRICT JUDGE,ROBERT VINING,FOUND US GUILTY OF CONTEMPT OF HIS COURT WITHOUT A TRIAL OR COUNSEL AND THEN FRAUDULENTLY CERTIFIES TO TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE FAILED TO APPEAR FOR A CONTEMPT? TRIAL DOES'NT SUCH PERJURY DISQUALIFY HIM?

(a) JUDGE HILL RULED THAT KNOWN CERTIFIED PERJURY BY A JUDGE DID NOT DISQUALIFY HIM.NO,THIS TIME THE MOTION WAS NOT RULED"UNINTELLIGIBLE"OR "TOO LATE;" COVER UP FOR JUDGE VINING'S CONSPIRACY WITH THE DEFENDANTS AND TO PROTECT THREE (3) OTHER FEDERAL JUDGES FROM BEING JUDGED GUILTY OF"MALFESANCE IN OFFICE"-WHICH WE WILL SHOW IF THIS COURT NOW AFFORDS US A "SHOW CAUSE TRIAL"WITH OR WITHOUT LEGAL COUNSEL.

24. IS'NT IT A KNOWN FACT TO BOTH JUDGES VINING AND HILL THAT IF I HAD IN FACT REALLY FAILED TO APPEAR FOR A COURT ORDERED "SHOW CAUSE" TRIAL" THAT JUDGE VINING HAD THE POWER TO ISSUE A BENCH WARRANT FOR MY ARREST AND TO KEEP IN CUSTODY UNTIL TRIAL FOR CRIMINAL CONTEMPT?

(a) JUDGE HILL MADE NO RULING WHETHER I COULD HAVE BEEN ARRESTED OR NOT.HE SIMPLY RULED THAT CERTIFIED PERJURY BY A JUDGE DOES NOT AMOUNT TO DISHONESTY OR MALFESANCE IN OFFICE.

(b) WE CONTEND THAT JUDGE HILL SHOULD HAVE FOUND THAT WHEN A THIRD PARTY LIES FOR A SECOND PARTY THAT THE THIRD AND SECOND PARTIES ARE GUILTY OF CONSPIRING AGAINST THE FIRST PARTY.

(c) JUDGE VINING SIMPLY LIED WHEN HE KNOWINGLY CERTIFIED PERJURY TO THE FIFTH CIRCUIT TO BE THE "TRUTH"

25. IS'NT SUCH PERJURY UTILIZED FOR BENEFIT OF THE DEFENDANTS SO THAT JUDGE VINING CAN FALSELY ASSERT,"THE DEFENDANTS APPEARED FOR THE COURT ORDERED "SHOW CAUSE TRIAL",BUT THE PRO SE DID NOT?"

(a) JUDGE HILL MADE NO RULING ON THIS CLAIM FOR THE FIFTH -- CIRCUIT BECAUSE OUR MOTION WAS"NOT TIMELY"AND WAS"ALMOST UNINTELLIGIBLE"

(b) WE CONTEND THAT JUDGE HILL WOULD HAVE RULED ON JUDGE -- VINING'S CERTIFIED PERJURY HONESTLY EXCEPT FOR THE FACT THAT THE FIFTH CIRCUIT IS INVOLVED IN THIS FOUR YEAR OLD FEDERAL CONSPIRACY TO PROTECT THE DISTRICT COURT JUDGE WHO TOOK A BRIBE TO LET THE DEFENDANTS CONTROL THE JUDGMENTS BEFORE TRIAL FOR CASES NOS.C78-31-N AND C78-47-N. THAT SAME JUDGE HAS PREVIOUSLY SOLD THE DEFENDANTS A FAVORABLE JUDGMENT FOR CASE NO.C77-6-N WITHOUT A PRETRIAL CONFERENCE, OR HEARING,OR TRIAL.

26. IS'NT IT A FACT THAT THE REFUSAL OF THE JUSTICE DEPARTMENT TO INVESTIGATE THE CONSPIRACY AND BRIBE CHARGE TO DETERMINE THE NAME OF "MY LAWYER"APPEARING WITH CASES NOS.C78-31-N & C78-47-N SHOWS A -- COVER UP SINCE MY AFFIDAVIT WAS NEVER ANSWERED BY A JUSTICE DEPT. OFFICER.

(a) ALL COURTS GIVEN THIS CLAIM HAVE IGNORED IT.

(b) WE CONTEND THAT THE COURT WITH JURISDICTION OVER CASE NO. C80-1236-A AND JUDGE HILL SHOULD HAVE RULED UPON THIS ISSUED QUESTION.

STATEMENT OF CASE- 4.

FOUR (4) DISTRICT FEDERAL JUDGES HAVE FOR FOUR (4) YEARS EMPLOYED A CONSPIRACY TO COVER UP THE FACT THAT ANOTHER FORMER DISTRICT FEDERAL JUDGE CONSPIRED WITH THE DEFENDANTS FOR A BRIBE TO WRITE FOR - THEM THREE (3) FRAUDULENT FAVORABLE JUDGMENTS,SPECIFICALLY,JUDGMENTS FOR CASES NOS.C77-6-N,C78-31-N & C78-47-N AND TO FRAUDULENTLY SHOW IN THOSE FRAUDULENT JUDGMENTS THAT AN ATTORNEY PROTECTED OUR RIGHT TO DUE PROCESS WHEN IN FACT NO ATTORNEY DID REPRESENT US IN EITHER OF THOSE CASES. THE FIFTH CIRCUIT COURT OF APPEALS ISSUED FRAUDULENT ORDERS ON SEPTEMBER 28,AND NOVEMBER 29,1979 FOR THE SPECIFIC PUR-- POSES OF COVERING UP FOR BOTH THE DISTRICT COURT AND DEFENDANTS. JUDGE HILL MADE ONLY ONE RULING REVELANT TO THIS MATTER IN 1980.HIS

STATEMENT OF CASE----4.

SOME OF THE DISTRICT FEDERAL JUDGES AND OTHER FEDERAL COURT EMPLOYEES SPREAD THE VICIOUS RUMOR THAT WE WERE NOT MENTALLY COMPETENT TO HELP A LAWYER PREPARE A DEFENSE AGAINST CONTEMPT? CHARGES AS THE IMPLIED REASON WHY JUDGE VINING FOUND US GUILTY WITHOUT A TRIAL.WE MADE THE WRITTEN OFFER TO SUBMIT TO A MENTAL EXAMINATION BY ANY -- DOCTOR SELECTED BY THE COURT BUT OUR OFFER WAS IGNORED.MY FOUR (4) YEAR BATTLE WITH THE FEDERAL COURT FOR JUSTICE HAS FORCED ME INTO BANKRUPTCY AS OF JULY 24,1980.

THE REAL REASON WHY JUDGES VINING AND HILL DENIED US A CONTEMPT? TRIAL WAS THAT A TRIAL WOULD HAVE EXPOSED THE DISHONEST JUDGE WHO SOLD THREE JUDGMENTS,SPECIFICALLY FOR CASES NOS.C77-6, C78-31-N AND C78-47-N.

SUMMARY OF ARGUMENT--5.

1.

A DISTRICT COURT FEDERAL JUDGE CONSPIRED FOR A BRIBE WITH STATE EDUCATION OFFICERS AND PRIVATE CITIZENS(FIVE LAWYERS) TO CONFISCATE OUR PROPERTY RIGHT WITH THE TROUP COUNTY,LAGRANGE,GEORGIA,BD.OF ED. VIA ORDER NO.C77-6-N AFTER THE STATE COMMISSION HAD COMPILED A HEARING RECORD TO TERMINATE OUR EMPLOYMENT IN OUR ABSENCE.

2.

WE HAVE SET FORTH THE IMMEDIATE ABOVE CLAIM IN FIVE LAWSUITS BUT NO FEDERAL JUDGE WILL ADDRESS THAT CLAIM WITH EITHER"YES"OR "NO."

3.

THE JUDGES WILL NOT TOUCH THAT CLAIM BECAUSE BOTH THE STATE COMMISSION AND COURT FOUND US GUILTY OF PERJURY UNDER OATH FOR DENYING THAT WE WERE THE AUTHOR OF 127 EXHIBITS WHICH THE COMMISSION ACCEPTED,BUT THE RECORD REVEAL THAT WE DID NOT LIE BECAUSE WE WERE NOT CONFRONTED ON CROSS EXAMINATION REVELANT TO THOSE 127 DOCUMENTS.

4.

THEREFORE,PROCEEDING PRO SE,BUT NOT BY CHOICE,WE WERE THE VICTIM OF MORE FEDERAL CONSPIRACY WHEN WE TRIED TO INVALIDATE THE ORDER FOR CASE NO.C77-6-N BY FILING CASES NOS.C78-31-N AND C78-47-N.

5.

THE JUDGE SOLD THE DEFENDANTS FAVORABLE JUDGMENTS FOR BOTH CASES NOS.C78-31-N AND C78-47-N AND FRAUDULIZED THOSE ORDERS TO SHOW THAT AN ATTORNEY PROTECTED OUR FUE PROCESS RIGHTS WITH BOTH CASES NOS.C 78-31-N AND C78-47-N.NO LAWYER HAS YET REPRESENTED US IN THIS FOUR (4) YEAR FIGHT WITH THE FEDERAL GOVERNMENT.

6.

WE TRIED TO MOVE THE FIFTH CIRCUIT TO RULE THAT WE COULD NOT BE -- CONVICTED FOR PERJURY REVELANT TO THOSE 127 EXHIBITS SINCE OUR RECORDED TESTIMONY REVEALS THAT WE WERE NOT EVEN CONFRONTED WITH THEM ON CROSS EXAMINATION,BUT JUDGE HILL RULED,"MOTION NOT TIMELY"-

6.

"ALMOST UNINTELLIGIBLE" "MOTION DISMISSED"

7.

NOT ONLY DID THE DISHONEST JUDGE FALSELY CLAIM THAT A LAWYER REPRESENT US WITH CASES NOS.C78-31-N AND C78-47-N,BUT HE FALSELY --- STATED THAT SAID PHANTOM LAWYER APPEARED IN CHAMBERS ON JULY 26,1978 TO ARGUE FOR OUR RIGHT TO HAVE COPIES OF THOSE 127 EXHIBITS,BUT SAID THE BOUGHT JUDGE,HIS ARGUMENT DID NOT PREVAIL.THUS,NO DISCOVERY RIGHTS WITH THOSE TWO CASES.

8.

OUR ARGUMENT IS THAT IF AN ATTORNEY HAD IN FACT APPEARED FOR US ON JULY 26,1978,AS FALSELY CLAIMED,THEN LOCAL RULE NO.71.62 WOULD HAVE SAVED US FROM THE INTIMIDATION SUFFERED ON NOVEMBER 20,1978 WHEN THE DISHONEST JUDGE ORDERED US TO TRIAL WITH-NO- EVIDENCE PROCURED FROM THE STATE COMMISSION. NO,IN THAT CASE A LAWYER IS A FOOL.

9.

WE WERE ENTITLED TO SUMMARY JUDGMENT REVELANT TO CASE NO.C79-106N SINCE FED R CIV P RULE 56(c),SUBD.(e) REQUIRES THE MOVANT TO CONTROVERT SAID MOTION AND SUPPORTING AFFIDAVIT.LOCAL RULE NO.91.72 MAKES THE SAME REQUIREMENT.

10.

WE WERE ENTITLED TO CONSENT JUDGMENT FOR CASE NO.C79-106N SINCE THE COURT ISSUED SUCH AN ORDER ON MARCH 5,1980 WHICH WAS NEVER AL--TERED OR VACATED.

11.

A FEDERAL COURT CANNOT LEGALLY ORDER THE SUPPRESSION OF EVIDENCE WHICH SUPPORTS A PARTY'S CLAIM FOR RELIEF.

12.

IT IS INCUMBENT UPON THE OATH OF A JUDGE TO RULE ON EVIDENCE SHOWING THAT ANOTHER FEDERAL JUDGE ACCEPTED A BRIBE THEN CONSPIRED TO COVER UP THE FACT THAT HE HAD ALREADY SOLD THE JUDGMENT FOR CASE NO. C77-6-N.SINCE NO JUDGE WILL TOUCH THIS SPECIFIC CLAIM THEY HAVE -- VIOLATED THE OATH OF THEIR OFFICE.

13.

OUR ARGUMENT IS THAT REGARDLESS OF THE FACT THAT JUDGE VINING ENTERED AN ORDER ON OCTOBER 2,1980 FINDING US TO BE GUILTY OF CONTEMPT WITHOUT A TRIAL IS THAT WE DID NOT VIOLATE A VALID ORDER WHEN WE - IGNORED THE SUPPRESSION ORDER TACKED ON TO DISMISSAL ORDER FOR CASE NO.C79-106-N BY FILING ,OR TRYING TO FILE,WHAT WOULD HAVE BEEN CASE NO.C80-1236-A.CASE NO.C80-1236-A WAS AN EFFORT TO CLAIM THE SUMMARY JUDGMENT WHICH WE WERE CHEATED OUT OF BY THE COURT WITH CASE NO.C79-106-N. CASE NO.C80-1236-A WAS ALSO AN EFFORT TO CLAIM THE CONSENT

13.

JUDGMENT REVELANT TO CASE NO.C79-106-N WHICH THE COURT ORDERED ON MARCH 5,1980 THEN CHEATED US OUT OF BY DISMISSING THE ACTION BECAUSE IT WAS CLEARLY EVIDENT TO THE COURT THAT NOT A ONE OF NINE (9) DEFENDANTS WAS GOING TO CONTROVERT OUR MOTION FOR SUMMARY JUDGMENT SERVED ON MARCH 4,1980.NOTE DATES OF "MARCH 4,1980" AND "MARCH 5,1980. CHEATED! SAID CONSENT ORDER HAS NOT UNTIL THIS DATE BEING ADJUDICATED OR VACATED. A COMPETENT LAWYER WINS THE CONTEMPT CASE IF TRIED ON THE NON-VACATED ORDER FOR CONSENT JUDGMENT.

14.

OUR ARGUMENT IS THAT THE DISMISSAL ORDER FOR CASE NO.C79-106-N IS NOT A VALID ORDER AND IN A CIVIL CONTEMPT CASE,IF THAT'S THE CHARGES AGAINST US, A LAWYER OR A PRO SE WINS BY INVALIDATING "SUP-SUPPRESSION"ORDER; ORDER NO.C79-106-N.

15.

OUR ARGUMENT IS THAT WHEN A PARTY CITED FOR SOME TYPE OF CONTEMPT OF FEDERAL COURT FILES FOUR (4) MOTIONS SEEK COURT APPOINTED COUNSEL AND A TRIAL - BUT GETS NO RESPONSE,THE COURT CANNOT LEGALLY THEN JUDGE HIM TO BE IN CONTEMPT,AS JUDGE VINING HAS DONE,AND THEN ALSO SPREAD THE VICIOUS LIE THAT WE WERE NOT TRIED BECAUSE WE WERE NOT MENTALLY COMPETENT TO HELP A LAWYER PREPARE OUR DEFENSE SINCE WE HAD OFFERED IN WRITING TO SUBMIT FOR A MENTAL EXAMINATION.

16.

OUR ARGUMENT IS ALSO THAT JUDGE HILL OF THE FIFTH CIRCUIT SHOULD HAVE AFFORDED US OUR SIXTH AMENDMENT RIGHTS TO A SPEEDY TRIAL BY -- ORDERING A CONTEMPT TRIAL WITH COURT APPOINTED COUNSEL INSTEAD OF RULING THAT OUR MOTION FOR THOSE RIGHTS WAS "NOT TIMELY" AND WAS -- "ALMOST UNINTELLIGIBLE" A CONTEMPT TRIAL COMES DURING THE TERM OF COURT IN WHICH THE ACTION IS HEARD FROM WHICH SUCH CHARGES ARE FILED. SO,AN ACTION DISMISSED ON AUGUST 8,1980 AND A PARTY IS ORDERED TO SHOW CAUSE WHY FILING THAT ORDER IS NOT CONTEMPTIBLE WOULD HAVE BEEN HEARD IN AUGUST 1980 IF WE HAD HAD AN ATTORNEY TO FIGHT FOR OUR - RIGHTS.

17.

THE COURT REFUSES TO VACATE ITS ORDER JUDGING US TO BE IN CONTEMPT AND THEN AFFORD US A TRIAL BECAUSE IT KNOWS THAT WE WILL FORCE THE DEFENDANTS TO ADMIT UNDER OATH AT SAID CONTEMPT TRIAL THAT NO ATTORNEY REPRESENTED US REVELANT TO FEDERAL CASES NOS.C77-6-N,C78-31 N AND C78-47-N-REGARDLESS OF THE COURT'S ORDER(S) TO THE CONTRARY.

18.

OUR ARGUMENT IS ALSO THAT THE COURT NOW REFUSES TO AFFORD US A SHOW CAUSE TRIAL BECAUSE IT KNOWS THAT WE WILL SHOW DURING SAID -- TRIAL THAT DISTRICT COURT JUDGE,ROBERT L.VINING,JR.,CERTIFIED PERJURY ABOUT US TO THE FIFTH CIRCUIT COURT OF APPEALS AND THAT JUDGE HILL OF THE FIFTH CIRCUIT CONDONES SUCH MISCONDUCT SINCE HE RULED THAT SAID KNOWN TO BE PERJURY DID NOT DISQUALIFY JUDGE VINING.COVER UP.

WE HAVE A LEGAL RIGHT TO SHOW VIA A CONTEMPT TRIAL THAT DISTRICT COURT JUDGES ,CHARLES MOYE,JR., AND MARVIN SHOOB,CONSPIRED WITH A LAWYER TO INFLUENCE HIM TO FILE A SECRET EX PARTE MOTION TO DISMISS CASE NO.C80-1236-A AND TO QUASH SERVICE BY THE MARSHAL TO THE PARTIES NAMED AS DEFENDANTS. "THAT LAWYER"WAS A NAMED DEFENDANT ,BUT HE WAS NOT SERVED A SUMMONS AND COPY OF CASE NO.C80-1236-A,AND IF THE JUDGES DID NOT CONSPIRE WITH HIM HOW DID "THAT ONE LAWYER"KNOW THAT WE WERE TRYING TO FILE CASE NO.C80-1236-A AND TRYING TO HAVE IT SERVED ON HIM AND OTHER IDENTIFIED PARTIES?THERE'S NO ARGUMENT HERE BECAUSE ONLY THE JUDGES COULD HAVE INFORMED THAT "ONE LAWYER" CONSPIRACY AGAINST A PRO SE.COVER UP FOR THE DISHONEST JUDGE WHO - SOLD THREE (3) FAVORABLE JUDGMENTS.

20.

THE ARGUMENT REVELANT TO CASE NO.C80-1236-A IS THAT THE JUDGES STALLED FOR TIME TO DISPOSE OF THAT CASE BY UTILIZING THE LIE THAT OUR CHECK TO PAY THE FILING FEE WAS NOT PAYED BY THE BANK AND THAT LIE GAVE THE "ONE LAWYER" A WEEK TO FILE HIS SECRET EX PARTE MOTION TO VACATE CASE NO C80-1236-A. SO,THE COURT KEPT OUR $ 65.00 FILING FEE AND LIED THAT IT WAS NOT PAYED BY THE BANK.NOW,WE ARGUE IF TRIED FOR CONTEMPT THAT LIE WOULD DISCREDIT JUDGES SHOOB,MOYE,VINING,TIDWELL AND JUDGE JAMES HILL.COLLUSION,COVER UP,CONSPIRACY.

21.

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT HAS -- FAILED TO HONOR ITS OATH REVELANT TO MATTERS STATED HEREIN BECAUSE THAT COURT HAS DEMONSTRATED BY ITS IN-ACTION THAT IT MUST PROTECT JUDGES GUILTY OF MALFEASANCE IN OFFICE IF SUCH MISCONDUCT WAS DIRECTED TOWARD A PRO SE.IT IS A DISGRACE FOR JUDGE HILL TO COVER UP THIS SORDID MESS BY RULING THAT HE CAN'T ACT BECAUSE OUR PLEADING WAS "NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE" THERE IS NO TIME LIMIT PLACED ON THE EXPOSURE OF FRAUD UPON THE COURT.FED R CIV RULE 60(4).

22.

THE UNITED STATES DEPARTMENT OF JUSTICE IS GUILTY OF CONDONING MISCONDUCT BY FEDERAL EMPLOYEES AND SO DEMONSTRATED BY IGNORING OUR AFFIDAVIT ASKING FOR AN INVESTIGATION TO DETERMINE THE NAME OF "THAT LAWYER"WHOM THE COURT CLAIMED HAD REPRESENTED US REVELANT TO FEDERAL CASES NOS.C77-6-N,C78-31-N AND C78-47-N.

23.

OUR ARGUMENT IS THAT HAD A LAWYER ASKED THE JUSTICE DEPARTMENT FOR THE SAME INVESTIGATION HIS REQUEST WOULD HAVE BEEN GRANTED.

24.

INSTEAD OF THE U.S.ATTORNEY IN ATLANTA COVERING UP THIS FEDERAL JUDICARY BRIBERY AND CONSPIRACY,HE SHOULD HAVE ASKED THE FBI TO INVESTIGATE OUR EVIDENCE SUPPORTING THE ALLEGED FEDERAL CONSPIRACY.

25.

OUR ARGUMENT IS THAT THE U.S.ATTORNEY DID NOT INVESTIGATE THE EVIDENCE SET FORTH IN OUR AFFIDAVIT SERVED ON HIM BECAUSE HE FELT OBLIGATED TO COVER UP FOR THE FIVE (5) LAWYERS NAMED AS DEFENDANTS, ALONG WITH OTHERS, IN CASES NOS.C77-6-N,C78-47-N,C78-31-N,C79-106-N, AND C80-1236-A.

26.

WE ARGUE NOW THAT AT THIS LATE DATE THAT THE REASON JUDGE VINING REFUSES TO AFFORD US A CONTEMPT TRIAL WAS THAT IF SO AFFORDED THE -- COURT WOULD HAVE BEEN FORCED BY US TO PRODUCE TWO LAWYERS WHOM IT NOW CLAIMS HAVE APPEARED TO REPRESENT US REVELANT TO THESE MATTERS. PLEASE LET US EXPLAIN WHY "TWO LAWYERS" ONE JUDGE FALSELY CLAIMS THAT THAT OUR DUE PROCESS RIGHTS WERE PROTECTED BY LEGAL COUNSEL REVELANT TO CASES NOS.C77-6-N,C78-31-N AND C78-47-N,AND JUDGE VINING FALSELY CLAIMS AND SO CERTIFIED TO THE FIFTH CIRCUIT THAT WE FAILED TO APPEAR AT A COURT ORDERED CONTEMPT TRIAL AND HE MOST DEFINTELY WILL NOT TRY ME,WITHOUT A JURY,UNLESS AN ATTORNEY ALSO APPEARS TO REPRESENT ME. SO HIS IMPLICATION IS THAT A LAWYER,THE "SECOND PHANTOM LAWYER"USED BY THE COURT APPEARED TO DEFEND ME AGAINST CONTEMPT CHARGES.

27.

THE DISGRACEFUL MISCONDUCT OF THE JUDGES CITED IN THE FOREGOING WILL CAUSE GREAT HARM TO TO THE REPUTATION AND IMAGE OF EVERY FEDERAL JUDGE IN THIS NATION IF WE ARE NOW AFFORDED THE SECURED RIGHT TO A FULL,IMPARTIAL TRIAL REVELANT TO THE CONTEMPT CHARGES FILED AGAINST THIS PRO SE.

28.

THE UNITED STATES SUPREME COURT SHOULD PERMIT THIS APPEAL FOR AN ORDER REQUIRING BOTH THE APPELLATE AND DISTRICT COURTS TO AFFORD US A FULL,IMPARTIAL SHOW CAUSE TRIAL FOR CONTEMPT BECAUSE IF THIS COURT SWEEPS THIS FEDERAL BRIBERY AND CONSPIRACY"UNDER THE RUG" THE SAME DISHONEST FEDERAL JUDGES WILL BE FREE TO CONSPIRE AGAINST EVERY PRO SE PROCEEDING IN THEIR COURTS.

29.

TO SHOW THIS COURT THAT JUDGE VINING HAS JUDGED ME GUILTY OF CONTEMPT BOTH HE AND JUDGE HILL ORDERED THEIR CLERKS NOT TO ACCEPT ANY MORE PLEADING FILED BY US SEEKING A SHOW CAUSE TRIAL ON THE CONTEMPT CHARGES AND SUCH AN ORDER CLEARLY SHOWS THAT JUDGE VINING AND JUDGE HILL HAVE CONVICTED US AND CLOSED THEIR RECORDS ON THIS MATTER.SO, OUR ARGUMENT IS THAT COURTS DO NOT CLOSE THE RECORD ON A CASE IF IT IS STILL TO BE ADJUDICATED AFTER A TRIAL.THE U.S.SUPREME COURT SHOULD ORDER THE RECORD REVELANT TO THIS CONTEMPT MATTER RE-OPENED IN THE NAME OF JUSTICE AND INTEGRITY.

CLOSING THE RECORD DENIES OUR FIRST ADMENT RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES.

IT IS ALSO OUR ARGUMENT THAT THIS APPEAL SHOULD BE ALLOWED BE--- CAUSE A PRO SE WHO HAS BEEN FORCED BY A FEDERAL CONSPIRACY OVER THE PAST FOUR (4) YEARS TO SUFFER SUCH INDIGNITES AS TO MAKE HIS LIVING CONDITIONS INTOLERABLE AND LIFE SO BURDESOME IS ENTITLED TO RELIEF.

ARGUMENT-1.

THIS MATTER OF TERMINATING OUR 30 YEAR SERVICE RECORD WITH THE TROUP COUNTY BD.OF EDUCATION CAME ABOUT WHEN IN 1972 WE LEARNED -- THAT OUR FORMER WIFE WAS HAVING AN AFFAIR WITH SUPERINTENDENT AND DEFENDANT, OTIS J.ABERNATHY, AND WE "PHYSICALLY OBJECTED"

2.

THEN THERE WAS THE INCIDENT IN WHICH ABERNATHY AND PRINCIPAL AND DEFENDANT, RALPH JOHNSON, CONSPIRED TO LET A 14 YEAR OLD BOY WITHDRAW FROM SCHOOL TO GO TO WORK FOR HIS SELF EMPLOYED DADDY IN 1973 AND ABERNATHY AND JOHNSON WERE TOLD BY US THAT THEY HAD NO SUCH POWER ACCORDING TO GA.CODE STATUTES # # 32-2106-EXEMPTIONS;32-9913-COM- PULSORY SCHOOL ATTENDANCE LAW;VIOLATING RULES OF STATE BD.OF EDUCA- TION. IT WAS OUR DUTY TO ENFORCE BOTH LAWS.

3.

SO, THOSE TWO INCIDENTS MADE ABERNATHY DETERMINED THAT WE SHOULD BE FIRED.THUS, WE READ IN THE TRANSCRIPT REVELANT TO THIS MATTER THAT ABERNATHY AND FIVE (5) OF HIS SIX BOARD MEMBERS MET SECRETLY IN -- APRIL TO DETERMINE HOW TO TERMINATE THE 30 YEAR EMPLOYMENT OF THIS PARTY."MET SECRETLY IN APRIL 1974"

4.

ABERNATHY DID NOT TESTIFY IN MY PRESENT THAT HE HAD MET SECRETLY WITH EXECUTIVE OFFICERS OF THE GA.PROFESSIONAL PRACTICES COMMISSION IN APRIL 1974 TO DETERMINE HOW HE COULD FIRE US. NO! HE DID NOT.

5.

SO, IN SPITE OF THE FACT THAT ABERNATHY BROKE OFF ALL LINES OF COM- MUNICATIONS WITH US AFTER WE INSISTED THAT THE BOY RETURN TO SCHOOL IN OCTOBER 1973, HE CONTINUED HIS AFFAIR WITH OUR FORMER WIFE WHOM HE EMPLOYED.

6.

ABERNATHY BROKE HIS SELF IMPOSED SILENCE ON MAY 19,1975 TO INFORM US THAT SCHOOL YEAR 1975-1976 WOULD CONCLUDE OUR EMPLOYMENT WITH THE TROUP COUNTY BD.OF EDUCATION.

7.

IN SPITE OF THE FACT THAT I TRIED TO MEET WITH THE BOARD TO DIS- CUSS ABERNATHY'S THREAT THE BOARD REFUSED TO PERMIT ME TO COME BE- FORE IT TO DISCUSS THE THREAT. AFTER THE TELEPHONE CONVERSATION WITH ABERNATHY ON MAY 19,1975, ABERNATHY AGAIN WENT "OFF THE AIR"

8.

SO,ABERNATHY ADVISED US IN A ONE SENTENCE LETTER DATED APRIL 12, 1975 THAT: "YOUR EMPLOYMENT CONTRACT FOR SCHOOL YEAR 1975-1976 HAS NOT BEEN RE-NEWED." THAT'S ALL THAT WAS SAID.NO.REASON AND NO EVIDENCE. THEN I LEARN FROM THE RECORD THAT ABERNATHY SENT HIS ATTORNEY,DEFENDANT,JAMES LEWIS,A "BC" OF THAT ONE SENTENCE LETTER.

9.

WHY DID'NT ABERNATHY SEND A "CC" OF THAT LETTER TO LEWIS RATHER THAN A"BLIND COPY?" LEWIS KNEW THAT OUR EMPLOYMENT CONTRACT COULD [1] NOT BE TERMINATED ON APRIL 12,1975 UNLESS THE BOARD HAD PREVIOUSLY AFFORDED US A DUE PROCESS HEARING AND THAT WE HAD NOT HAD A HEARING BEFORE THE LOCAL BOARD OR ANY OTHER LOCAL OR STATE AGENCY ON APRIL 12,1975. "COULD NOT "LEGALLY"BE TERMINATED." [1]

10.

JUDGE VINING FALSELY ALLEGES THAT WE WERE AT THE ABOVE TIMES REPRESENTED BY AN ATTORNEY.WELL,YOUR HONOR,ABERNATHY DOES'NT FIRE ME WITH NO PRIOR HEARING AND A ONE SENTENCE LETTER IF I'M REPRESENTED BY LEGAL COUNSEL.

11.

OKAY.ABERNATHY GOT US FIRED WITHOUT SHOWING US HIS EVIDENCE OR STATING HIS REASONS,OR WITHOUT PERMITTING US TO COME BEFORE THE LOCAL SCHOOL BOARD.NOW,HE HAS TO KEEP US FIRED.

12.

SO,ABERNATHY GOES BACK TO THE GA.PROFESSIONAL PRACTICES COMMISSION AND ASKED THAT AGENCY TO AFFIRM HIS PRIOR ACTIONS.THE COMMISSION HEARS THE CASE ON JULY 16,1976 AT WHICH TIME ABERNATHY DID NOT SUBMIT ANY EVIDENCE,AND I MEAN NO EXHIBITS OR DOCUMENTS,OR ADVERSE TESTIMONY. "GOES BACK"SINCE HE WENT IN APRIL 1974.

13.

[2]

HOWEVER,WHEN COMMISSION EXECUTIVE DIRECTOR,HANS J.SCHACHT(SHOT), RELEASED THE HEARING RECORD IT SHOWED THAT ABERNATHY HAD SUBMITTED 127 EXHIBITS & DOCUMENTS AND THAT HE AND TWO WITNESS TESTIFIED THAT MY SIGNATURE APPEARED ON EACH 127 DOCUMENTS & EXHIBITS. [2]CONFLICT.

14.

COMMISSION HEARING EXAMINER,JOHN HINCHEY,THEN CITED 22 OF THOSE 127 EXHIBITS TO SUPPORT HIS FRAUDULENT ADVERSE FINDINGS AGAINST US INCLUDING THE SCANDALOUS LIE THAT WE LIED UNDER OATH BY REFUSING TO ADMIT THAT OUR SIGNATURES APPEARED ON THOSE EXHIBITS.

15.

HOWEVER,ABERNATHY AND HIS CROWD MADE ONE ERROR THAT CONVICTS -- THEM BEFORE WE DIE OF CONSPIRING TO VIOLATE MY CIVIL RIGHTS.THAT

15.

ONE SERIOUS ERROR WAS FORGETTING TO SHOW IN THE TESTIMONY ATTRIBUTED TO US THAT WE WERE CONFRONTED ON CROSS-EXAMINATION REVELANT TO ABERNATHY'S 127 FRAUDULENT,FORGED SIGNATURES. NOW,JUDGE VINING,NO LAWYER REPRESENTING THIS PRO SE CONSENTED TO THE COMMISSION ACCEPTING 127 EXHIBITS & DOCUMENTS AFTER THE PUBLIC HEARING ON JULY 16,1976 AND CHARGING THAT WE SIGNED EACH SINCE NO LAWYER PERMITS SUCH EVIDENCE UNLESS HIS CLIENT IS CONFRONTED WITH HIS SIGNATURES ON THOSE EXHIBITS & DOCUMENTS.

16.

WE READ FROM RALPHO V.BELL,U.S.C.A.CONST.AMENDS.5-14-569 F.2d607, 186 U.S.APP.D.C.-368,ON REHEARING 569F.2d 636,186 U.S.APP.D.C.397 THAT: "AN OPPORTUNITY TO MEET AND REBUT EVIDENCE UTILIZED BY AN ADMINISTRATIVE AGENCY IS A PRIMARY REQUISITE OF DUE PROCESS."

17.

SO,JUDGE VINING WHEN YOU FALSELY STATE IN YOUR ORDER DENYING US A CONTEMPT TRIAL THAT THE COMMISSION AFFORDED US A "PROPER TRIAL" YOU DID'NT SAY THAT A "PROPER TRIAL"REQUIRED THE COMMISSION TO PERMIT US THE "OPPORTUNITY TO MEET AND REBUT THOSE 127 SIGNATURES."THAT'S THE CORRECT NUMBER SHOWING IN THE TABLE OF CONTENTS OF THE RECORD.

18.

NEITHER DID YOU SAY,JUDGE VINING,THAT IF WE HAD BEEN REPRESENTED BY AN ATTORNEY BEFORE THE COMMISSION THAT HE WOULD HAVE INSISTED -- THAT WE HAD THE RIGHT TO BE CONFRONTED WITH THE 22 EXHIBITS SELECTED FROM THOSE 127 EXHIBITS BY THE HEARING EXAMINER TO TERMINATE OUR EMPLOYMENT."RIGHT OF CROSS EXAMINATION IS AN ELEMENT OF CONFRONTATION AND DUE PROCESS." SEE,U.S.C.A.CONST.5-6-14- BOND V.STATE OF OKL., 546 F.2D 1369.

19.

WE WILL TRY TO MAKE THE FACT CLEAR TO JUDGE HILL OF THE FIFTH -- CIRCUIT THAT ABERNATHY NOW CLAIMS THAT THE REPORT OF THE HEARING EXAMINER SUPPORTS HIS TERMINATION OF OUR EMPLOYMENT.IN OTHER WORDS, THE CHALLENGE NOW IS TO INVALIDATE THE REPORT OF THE HEARING EXAMINER.

20.

THEREFORE,WE HEREBY AT THIS POINT INVALIDATE THE REPORT OF THE HEARING EXAMINER;A SEVENTEEN (17) PAGE REPORT,BASED ON 22 EXHIBITS CLAIMED TO BEAR OUR SIGNATURES BY STATING,DECLARING,THAT OUR ATTRI--- BUTED TESTIMONY SHOWS THAT WE WERE NOT CONFRONTED WITH EITHER OF THE 22 EXHIBITS OR DOCUMENTS CITED AS SUPPORTING EVIDENCE BY THE EXAMINER. DENIAL OF DUE PROCESS.WE HAVE MADE THIS SAME CLAIM IN FEDERAL COURT FIVE (5) TIMES IN THE PAST FOUR AND ONE HALF YEARS,BUT WE -- HAVE BEEN VICTIMIZED BY A FEDERAL CONSPIRACY TO COVER UP FOR THE -

STATE COMMISSION AND ABERNATHY, LEWIS, ABERNATHY'S WITNESSES, BOYD, JOHNSON AND GUNTER. THE GA.ASS'N OF EDUCATORS SIMPLY BLEW $ 4,500. 00 WHICH IT PAID TO DEFENDANT FRANKEL, AN ATTORNEY, TO MONITOR THE COMMISSION'S HEARING ON JULY 16, 1976.

21.

SO, AFTER JULY 1976, ABERNATHY HAD HIMSELF A HEARING RECORD COM-- PILED IN OUR ABSENCE WHICH WAS "SUPPORTED" BY 127 FRAUDULENT DOCUMENTS & EXHIBITS CLAIMED TO BEAR OUR SIGNATURES-BUT WHICH THE RECORD RE- VEALS DID NOT GET INTRODUCED AT THE JULY 16, 1976 PUBLIC HEARING.

22.

WE WENT INTO FEDERAL COURT IN MARCH 1977 CLAIMING THAT THE COM- MISSION DENIED US DUE PROCESS REVELANT TO THE 127 AND 22 EXHIBITS & DOCUMENTS. ABERNATHY ANSWERED OUR SUIT BY FILING HIS COMMISSION COM- PILED RECORD. THE CLERK FILED OUR SUIT AND THE RECORD AS FILE NO.C 77-6-N.

23.

DISTRICT COURT JUDGE, ALBERT J. HENDERSON, JR. ACCEPTED A BRIBE AND CONSPIRED WITH THE DEFENDANTS TO GRANT THEM SUMMARY JUDGMENT NO.C77- 6-N IN AUGUST 1977. HE DID NOT AFFIRM THE FINDINGS AND EVIDENCE OF THE HEARING EXAMINER, BUT DRAFTED AN ORDER REFERRING TO EVIDENCE THAT MOST DEFINITELY IS NOT IN THE RECORD OF FILE NO.C77-6-N.

24.

IT OUR OPINION THAT JUDGE HENDERSON SAW THAT THE EXAMINER'S RE- PORT WAS NOT VALID ON THE BASIS OF THE 22 EXHIBITS & DOCUMENTS WHICH THE EXAMINER HAD CITED. SO, THE JUDGE SIMPLY WROTE ANOTHER "REPORT" OR ORDER." WE ARE FIRMLY CONVINCED THAT HENDERSON NEVER THOUGHT THAT HIS FRAUDULENT ORDER FOR CASE NO.C77-6-N WOULD EVER BE CHALLENGED. IN FACT, WE BELIEVE THAT ABERNATHY ASSURED HIM AS MUCH.

25.

HOWEVER, WHEN WE FILED PRO SE COMPLAINT NO.C78-31-N CHALLENGING THE VALIDITY OF JUDGE HENDERSON'S ORDER FOR CASE NO.C77-6-N, HE FOUND HIMSELF TRAPPED AND THE ONLY WAY TO ESCAPE, HE FIGURED, WAS BY MEANS OF A FRAUDULENT PRE-TRIAL ORDER.

26.

SO, HENDERSON DETERMINED THAT HE WOULD DENY OUR RIGHTS TO ALL EVI- DENCE IN THE RECORD SO THAT I COULD NOT PROVE ANYTHING AND TO THEN FALSELY SHOW ON THE RECORD THAT A LAWYER REPRESENTED US IN "THAT PRE-TRIAL CONFERENCE" AND CONSENTED TO THE CONTENTS OF THE PRE-TRIAL ORDER. SO, HE DID. SEE EXHIBITS NOS. 3 & 4 WHICH SHOWS THAT HENDER- SON LET THE DEFENDANTS DRAFT THEIR OWN PERSONAL PROTECTIVE ORDER -- WHICH WAS SUBMITTED TO HIM UNSIGNED, AND HE SIGNED THE SECOND COPY - WHICH SAYS IN PART, "ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL, INCLUDING THE PLAINTIFF, PRO SE." "PLAINTIFF, PRO SE" CAN'T BE" BECAUSE A PRO SE IS NOT REPRESENTED BY LEGAL COUNSEL.

27.

JUDGE HENDERSON ALSO MADE HIS FRAUDULENT PR-TRIAL ORDER APPLI---CABLE TO OUR PRO SE COMPLAINT NO.C78-47-N AND BY SO DOING CONSPIR-ED WITH THE DEFENDANTS TO CONTROL TWO FEDERAL COURT JUDGMENTS,----SPECIFFICALLY,JUDGMENTS NOS.C78-31-N,& C78-47-N,AND OF COURSE,HE WAS CONTROLLLING HIS FRAUDULENT JUDGMENT FOR CASE NO.C77-6-N BY MEANS OF THE SAME FRAUDULENT PRE-TRIAL ORDER DESIGNED TO DENY US ACCESS TO THOSE 127 EXHIBITS WHICH THE COMMISSION ACCEPTED AS EVI-DENCE AFTER THE PUBLIC HEARING ON JULY 16,1976.

28.

IT IS NOW OUR ARGUMENT THAT JUDGE HENDERSON NEEDED THAT FRAUDULENT PRE-TRIAL ORDER TO PROTECT HIMSELF FROM BEING EXPOSED AS A CONSPIRA-TOR WITH THE DEFENDANTS.IF IT IS A SIN TO SHOW THAT A FEDERAL JUDGE IS GUILTY OF MALFEASANCE IN OFFICE THEN STOP AND PROCEED NO FURTHER. WE HAVE BEEN TREATED LIKE A RUSSIAN SPY OR LESS FOR HAVING SHOWN THE EVIDENCE THAT CONVICTS JUDGE HENDERSON.

29.

A JUDGE IS NOT IMMUNE WHEN EVIDENCE SHOWS THAT HE IS GUILTY OF MALFEASANCE IN OFFICE.

30.

AFTER JUDGE HENDERSON HAD PERMITTED THE DEFENDANTS TO STEAL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N BY MEANS OF A FRAUDULENT PRETRIAL ORDER,WE FILED CASE NO C79-106-N CHALLENGING THE VALIDITY OF HENDERSON'S FRAUDULENT PRE-TRIAL ORDER IN WHICH HE FALSELY CLAIMS A LAWYER REPRESENTED US IN TWO CASES IN HIS COURT,SPECIFICALLY,NOS. C78-31-N & C78-47-N.NO ATTORNEY REPRESENTED US WITH THOSE TWO CASES. DENIAL OF DUE PROCESS WAS THE CLAIM FOR CASE NO.C79-106-N.

31.

JUDGE TIDWELL LET CASE NO.C79-106-N STAY ON FILE FROM DECEMBER 3,1979 UNTIL MARCH 5,1980 BEFORE HE ISSUED AN ORDER REQUIRING THE DE-FENDANTS TO MAKE US AN OFFER OF CONSENT JUDGMENT. THE APPELLATE --- COURTS HOLD THAT: "ORDER FOR CONSENT JUDGMENT HAS SAME FORCE AND EF-FECT AS ANY OTHER JUDGMENT UNTIL SET ASIDE IN MANNER PROVIDED BY LAW" U.S.KELLUM(C.A.MISS.1975 F.2D 1284. SEE,EXHIBIT NO. 5 FOR CONSENT JUDGMENT ORDER.PARAGRAPH NO.8. WE HAD ONE DAY BEFORE MARCH 5,1980, ON MARCH 5,1980,FILED A MOTION FOR SUMMARY JUDGMENT REVELANT FOR CASE NO.C79-106-N.

32.

THIRTEEN (13) DAYS AFTER MARCH 4,1980 AND 12 DAYS AFTER MARCH 5, 1980 FIVE (5) OF NINE (9) DEFENDANTS HAD STATED THAT THEY COULD NOT CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT.THEREAFTER,JUDGE TIDWELL

32.

DISMISSED CASE NO.C79-106-N FALSELY RULING THAT IT WAS BASED ON THE CLAIMS SET FORTH IN CASES NO.C78-31-N AND C78-47-N AND WAS THEREFORE BLOCKED BY DOCTRINE OF RES JUDICATA.PURE AND SIMPLE COLLUSION WITH THE DEFENDANTS.

33.

JUDGE TIDWELL HAS NOT TO THIS DATE ENFORCED HIS ORDER FOR A CONSENT JUDGMENT.JUDGE TIDWELL HAS NOT TO THIS DATE ENTERED A RULING UPON OUR NON-CONTROVERTED MOTION FOR SUMMARY JUDGMENT.CHEATED. JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N ORDERED THE SUPPRESSION OF THE FRAUDULENT PRE-TRIAL ORDER EVIDENCE."ORDER FOR SUPPRESSION BY GOVERNMENT OF EVIDENCE FAVORABLE TO MOVANT'S CASE VIOLATES DUE PROCESS" U.S.V.MARTIN,(C.A.GA. 1976) 565 F.2D 362.

34.

SINCE A PARTY CANOT BE CONVICTED FOR CIVIL CONTEMPT IF HE/SHE CAN SHOW BY A TRIAL THAT HE/SHE HAS NOT VIOLATED A VALID ORDER WE COULD HAVE SHOWN THAT JUDGE TIDWELL'S SUPPRESSION ORDER WAS NOT -- VALID IF JUDGE VINING HAD AFFORDED US A TRIAL BEFORE HE ENTERED AN ORDER ON OCTOBER 2,1980 JUDGING US TO BE GUILTY OF CONTEMPT.

35.

IT REQUIRES THE MIND OF A VICIOUS PERSON TO START THE RUMOR THAT THE REASON JUDGE VINING DID NOT AFFORD US OUR SECURED RIGHTS OF A TRIAL WAS BECAUSE WE WERE NOT MENTAL COMPETENT TO HELP A LAWYER - PREPARE OUR DEFENSE. A LAWYER NEEDS NO HELP.ALL HE WOULD HAVE TO - DO TO WIN THE CONTEMPT CITATION WOULD BE TO DEMAND THE PRODUCTION OF HENDERSON'S "PHANTOM LAWYER"A RULING ON A SUMMARY JUDGMENT MOTION AND ADJUDICATION UPON A CONSENT JUDGMENT ORDER,AND HE WINS THE CONTEMPT TRIAL.

36.

THEREFORE,IT IS OUR ARGUMENT THAT JUDGE VINING REFUSED TO TRY US WAS BECAUSE,JUST LIKE JUDGE TIDWELL,HE'S COVERING UP FOR HENDERSON AND THE DEFENDANTS.

37.

WE HAVE AT THIS POINT DOCUMENTED THAT JUDGES HENDERSON,TIDWELL,& VINING HAVE DISGRACED THE FEDERAL JUDICARY BY CONSPIRING TO DENY - THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

38.

WE WOULD LIKE FOR THE COURT TO KNOW THAT WE COULD NOT APPEAL JUDGE TIDWELL'S SUPPRESSION DISMISSAL ORDER BECAUSE HE DENIED OUR REQUEST FOR A RULE 54 CERTIFICATION AND A RULE 58 JUDGMENT.

IT IS OUR ARGUMENT THAT IF AFFORDED A CONTEMPT TRIAL TO CHALLENGE THE VALIDITY OF JUDGE TIDWELL'S SUPPRESSION DISMISSAL ORDER FOR -- CASE NO.C79-106-N THAT WE COULD SHOW THAT HE LACKED THE POWER TO DISMISS THAT CASE BEFORE HE ADJUDICATED HIS CONSENT JUDGMENT ORDER AND OUR SUMMARY JUDGMENT MOTION.HE WOULD'NT HAVE ACTED THE SAME WAY HAD I BEEN REPRESENTED BY AN ATTORNEY.DEFRAUDED BY A FEDERAL JUDGE!

40.

SINCE TIDWELL CHEATED US OUT OF THE JUDGMENT FOR CASE NO.C79-106-N,WE FILED,OR TRIED TO FILE,CASE NO.C80-1236-A CLAIMING SUMMARY AND CONSENT JUDGMENT FOR CASE NO.C79-106-N.

41.

JUDGE MARVIN SHOOB,ONE OF THE MOST ARROGANT PEOPLE ON THIS PLA--- NET,TOOK JURISDICTION OVER WHAT WAS TO HAVE BEEN CASE NO.C80-1236-A AND LIED "RIGHT OFF THE BAT" TO KEEP IT FROM BEING FILED BY RULING THAT THE BANK RETURNED OUR FILING FEE CHECK FOR "INSUFFICIENT FUNDS" SEE,EXHIBIT NO.____. WE FURNISHED THE ORIGINIAL CHECK,NOT A COPY, TO FIFTH CIRCUIT JUDGE ,JAMES HILL,AND MOVED HIM TO SET ASIDE SHOOB'S PERJURED DISMISSAL ORDER FOR CASE NO.C80-1236-A. NO!

42.

JUDGE SHOOB'S PERJURY WAS A STALL UNTIL HE AND JUDGE MOYE COULD AGREE ON A PLAN TO GET CASE NO C80-1236-A VACATED BEFORE IT WAS SERV-ED. WHEREAS,THE COMPLAINT WENT TO THE CLERK'S OFFICE ON JULY 16,1980, JUDGES SHOOB AND MOYE TOOK UNTIL AUGUST 7,1980 TO DETERMINE THAT ONE LAWYER SHOULD BE CONTACTED AND ASKED TO DISMISS CASE NO.C80-1236-A.

43.

THIS COURT MUST UNDERSTAND THAT CASE NO.C80-1236-A WAS A "HOT POTATOE" IN THAT IT DOCUMENTED THAT HENDERSON AND TIDWELL HAD CON-SPIRED WITH THE DEFENDANTS TO DENY THIS PRO SE LONG OVER DUE JUSTICE AND CASE NO.C80-1236-A DEMANDED THE PRODUCTION OF TWO LAWYERS WHOM HENDERSON AND VINING CLAIM IN THEIR ORDERS HAVE REPRESENTED THIS PRO SE REVELANT TO THIS FEDERAL JUDICARY CONSPIRACY.

44.

IT IS OUR ARGUMENT THAT JUDGE VINING CONVICTED US FOR CIVIL CON-TEMPT WITHOUT A REQUESTED TRIAL BECAUSE IF AFFORDED OUR SECURED --- RIGHT TO A TRIAL WE WOULD HAVE PUBLICLY DISCREDITED JUSGE SHOOB AS A CONVICTED LIAR REVELANT TO OUR FILING FEE CHECK FOR WHAT WAS TO HAVE BEEN CASE NO.C80-1236-A.

45.

EVIDENCE DOCUMENTS THAT JUDGE SHOOB AND MOYE CONTACTED ATTORNEY AND DEFENDANT WILLIAM E.HOFFMAN,JR. AND REQUESTED THAT HE SECRETLY SUBMIT AN EX PARTE MOTION TO QUASH MARSHAL SERVICE, FOR CASE NO.C80-1236-A.

WE FILED AN AFFIDAVIT TO DISQUALIFY JUDGE SHOOB FROM TAKING JURISDICTION OVER CASE NO.C80-1236-A BASED ON OUR PAST EXPERIENCES WITH HIM WHICH HAD CONVINCED US THAT NO PRO SE COULD PROCEED IN HIS --- COURT WITH A FEDERAL CIVIL COMPLAINT. JUDGE SHOOB HAS NOT UNTIL THIS DATE RULED ON THAT DISQUALIFICATION AFFIDAVIT SET FORTH BY PROVISIONS OF 28 USC # # 144,455(a).

47.

IT IS OUR ARGUMENT THAT JUDGE SHOOB WAS "LEGALLY DISQUALIFIED" AND KNEW AS MUCH AND SINCE HE DID NOT HAVE THE POWER TO QUESTION THE VALIDITY OF THE DISQUALIFICATION AFFIDAVIT HE SIMPLY IGNORED - OUR AFFIDAVIT TO DISQUALIFY HIM FROM ASSUMING JURISDICTION OVER CASE NO.C80-1236-A.

48.

IT IS ALSO OUR ARGUMENT THAT IF A LAWYER HAD FILED THE SAME DISQUALIFICATION AFFIDAVIT THAT SHOOB WOULD HAVE WITHDRAWN FROM THE CASE. "WHERE AFFIDAVITS AND CERTIFICATE FILED ON MOTION TO RESCUE PASS DUAL TEST OF SUFFICIENCY AND TIMELINESS,MOTION TO RESCUE MUST BE GRANTED,THOUGH JUDGE KNOWS THAT ALLEGATIONS OF PREJUDICE AND BIAS ARE FALSE" SEE,U.S.V.GARRISON,(D.C.LA. 1972) 340 F.SUPP.952.

49.

AT ANY RATE,DEFENDANT HOFFMAN'S MOTION,EX PARTE MOTION,TO QUASH MARSHAL'S SERVICE OF CASE NO.C80-1236-A ON THE NAMED DEFENDANTS DID FALSELY ALLEGE THAT OUR CHECK WAS NOT HONORED BY THE BANK.WHERE DID HE GET THAT LIE BUT FROM SHOOB? HOFFMAN ALLEGED THAT FILING CASE NO. C80-1236-A VIOLATED A VALID SUPPRESION ORDER,SPECIFICALLY ORDER NO. C79-106-N,AND HE ASKED THAT WE BE CITED FOR CONTEMPT OF COURT.HOFF--MAN'S AUGUST 8,1980 EX PARTE MOTION WAS BASED ON 100% PERJURED ALLEGATIONS AND HE KNEW AS MUCH.

50.

WE FILED ON AUGUST 11,1980 A MOTION FOR A COUNTER CLAIM OF CIVIL CONTEMPT AGAINST HOFFMAN ON THE GROUND THAT A LAWYER IS AN OFFICER OF THE COURT AND IT IS CONSIDERED CONTEMPTUOUS FOR AN OFFICER OF - THE COURT TO KNOWINGLY LIE TO THE COURT.

51.

WHEREAS,HOFFMAN GOT US CITED ON AUGUST 7,1980,NO FEDERAL JUDGE [1] HAS UNTIL THIS DATE RULED ON OUR MOTION TO CITE HOFFMAN FOR CIVIL CONTEMPT OF COURT. IF THAT FACT DOES'NT DEMONSTRATE PREDJUICE AND BIAS CONDUCT THEN NO EVIDENCE ~.

52.

IT IS ALSO OUR ARGUMENT THAT JUDGE VINING DID NOT AFFORD US A PUBLIC TRIAL ON THE CIVIL CONTEMPT CHARGES,IF THAT WAS THE CHARGE, BECAUSE WE WOULD HAVE FURTHER DISCREDITED THE COURT SHOWING NO RULING ON OUR CONTEMPT MOTION,BUT THAT HOFFMAN'S MOTION WAS ACTED UPON THE SAME DATE IT WAS FILED. ([1] DATE OF CONTEMPT MOTION.

53.

THE FACT SHOULD BE UNDERSTOOD THAT JUDGE TIDWELL GRANTED HOFFMAN'S CONTEMPT MOTION ON AUGUST 7,1980 AND THAT JUDGE SHOOB GRANTED HIS EX PARTE MOTION ON AUGUST 8,1980 AFTER WHICH JUDGE TIDWELL DISQUALIFIED HIMSELF FROM HEARING THE CONTEMPT CASE AND ASSIGNED THE MATTER TO JUDGE ROBERT L.VINING'S COURT.

54.

IT IS OUR FURTHER ARGUMENT THAT JUDGE VINING KNEW IN OCTOBER 1980 WHEN HE CONVICTED US WITHOUT A TRIAL,AND THAT JUDGE HILL KNEW IN JANUARY 1981 WHEN HE DENIED US A RULING FOR COUNSEL AND A SPEEDY TRIAL,THAT JUDGE VINING CANNOT EVER PUBLICLY TRY US FOR CONTEMPT,BE IT CIVIL OR CRIMINAL,BECAUSE TO DO SO WOULD AFFORD US THE CHANCE TO DISCREDIT AND IMPEACH FOUR (4) FEDERAL JUDGES.

55.

PLEASE REMEMBER THAT ONE OF THE FOUR (4) JUDGES,NAMELY,HENDERSON,STOLE THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N WITH A FRAUDULENT PRETRIAL ORDER DESIGNED TO DENY US ACCESS TO 127 EXHIBITS & DOCUMENTS AND HE FALSEY STATED IN HIS ORDER DRAFTED BY THE DEFENDANTS THAT "MY" -- "PHANTOM LAWYER"AGREED TO TO THE TERMS OF THAT --- FRAUDULENT PRE-TRIAL ORDER.

56.

THEN YOU MUST RECALL THAT A SECOND JUDGE,NAMELY TIDWELL,STOLE THE JUDGMENT FOR CASE NO.C79-106-N IGNORING HIS OWN CONSENT JUDGMENT ORDER AND OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION. AN ORDER FOR A CONSENT JUDGMENT MEANS THAT THE COURT HAS REVIEWED THE -- EVIDENCE AND HAS DETERMINED THAT THE PLAINTIFF IS ENTITLED TO RE-- LIEF.

57.

A THIRD JUDGE THAT WE COULD DISCREDIT VIA A PUBLIC TRIAL IS ONE, MARVIN SHOOB.

58.

IF AFFORDED A PUBLIC TRIAL AS DEMANDED BY THE SIXTH AMENDMENT, JUDGE VINING WOULD BE THE FOURTH FEDERAL JUDGE DISCREDITED WHEN WE HAD FINISHED READING HIS PERJURED ALLEGATION CERTIFIED AS "TRUTH" THAT WE FAILED TO APPEAR ON SEPTEMBER 3,1980 FOR A COURT ORDERED -- TRIAL.YOU SEE,SIRS,WE WOULD READ PUBLICY JUDGE VINING'S ORDER IN - WHICH HE CANCELED THAT SEPTEMBER 3,1980 SCHEDULED CONTEMPT TRIAL. SEE,EXHIBITS NOS. A & B .

59.

THEREFORE,BASED ON UNIMPEACHABLE FACTS CITED IN THE FOREGOING ARGUMENT THE FACT MUST BE CLEAR TO THIS COURT WHY JUDGE VINING CONVICTED US FOR CONTEMPT IN OCTOBER 1980 WITHOUT A TRIAL.HE CAN ARGUE

THAT HE HAS NOT,BUT WHEN HE ISSUED AN ORDER ON OCTOBER 2,1980 MANDATING THAT THE CLERK WOULD NOT ACCEPT ANYMORE PLEADINGS FROM US SEEKING COURT APPOINTED COUNSEL AND A CONTEMPT TRIAL,HE DEFINITELY WAS CONVICTING US AND CLOSING HIS "RECORD"ON THE AUGUST 7,1980 CONTEMPT CITATION. A CONTEMPT CITATION IS REGULARLY HEARD DURING THE TERM OF THE ACTION SAID TO BE CONTEMPT AND NOT ONE,TWO OR THREE YEARS LATER.

60.

IT IS OUR ARGUMENT THAT THIS HONORABLE COURT SHOULD CONSIDER THIS PETITION FOR THE DUE ADMINISTRATION OF JUSTICE BECAUSE IF NOT DONE THIS VICTIM OF A FEDERAL JUDICARY COVER UP CAN PROMISE YOU THAT THE SAME DISHONEST JUDGES WILL STILL BE"OPEN FOR BUSINESS AS USUAL"WHEN THE NEXT PRO SE COMES INTO THEIR COURT.JESUS TOOK A WHIP AND CHASED THE MONEY CHANGERS OUT OF THE TEMPLE FOR DEFILING "MY FATHER'S HOUSE" AND I SAY TO YOU THAT YOU ARE CHARGED WITH THE DUTY TO DO THE SAME WHEN EVIDENCE SHOWS THAT DISHONEST JUDGES ARE "DEFILING"THE FEDERAL JUDICARY.

RELIEF-6

THIS CHEATED,DEFRAUDED PRO SE,WHO HAS BEEN THE VICTIM OF A FOUR AND ONE HALF YEARS FEDERAL JUDICARY CONSPIRACY,RESPECTFULLY REQUESTS SUCH RELIEF THAT THE COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240

DATED: 3-6-81.

PLEASE BE ADVISED THAT ATTORNEY KENNETH GORDON IS LISTED IN THE CAPTION AS A DEFENDANT BECAUSE WE PAID HIM $ 1,500.00 ON SEPTEMBER 7, 1976 TO CHALLENGE THE COMMISSION'S FINDINGS IN FEDERAL COURT AND WE ARE STILL WAITING FOR THAT SERVICE.

JEFFERY SMITH IS LISTED AS A DEFENDANT BECAUSE HE DRAFTED THE FRAUDULENT PROTECTIVE ORDER WHICH JUDGE HENDERSON SIGNED VERBATIM.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

March 24, 1981

RECEIVED
MAR 26 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Mr. Alexander Stevas, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Nos. 80-8289 PATTERSON v. ABERNATHY
80-8290

Dear Mr. Stevas:

I am forwarding to you petitioner's Notice of Appeal to the Supreme Court of the United States from this Court's Order of January 28, 1981, stating "These appeals have been dismissed for lack of jurisdiction by order of this court on 12-29-80, the Clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed."

As is our usual procedure, we will await further word from you as to the forwarding of this record.

Sincerely,

GILBERT F. GANUCHEAU, Clerk

By Shelda V. Harris
Shelda V. Harris
Case Manager

SVH:rcn

Enclosure

cc: Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani

PATTERSON, JAMES E.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
RECEIVED
FEB 23 1981
ATLANTA

JAMES E. PATTERSON, PETITIONER/APPELLANT

V.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, RESPONDENTS/APPELLES

IN RE: C.A. NO. 80-1236-N

U.S. COURT OF APPEALS
FILED
MAR 23 1981
GILBERT F. GANUCHEAU
CLERK

80-8289

JAMES E. PATTERSON, PETITIONER, APPELLANT

V.

JAMES LEWIS, OTIS ABERNATHY, RALPH JOHNSON, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. RESPONDENTS/APPELLES.

80-8290

IN RE: C.A. NO. 80-1236-A

NOTICE OF INTENT TO APPEAL

I, JAMES E. PATTERSON, APPELLANT IN THE ABOVE-STYLED CASES HEREBY - SERVES NOTICE OF INTENT TO APPEAL TO THE U.S. SUPREME COURT THIS --- COURT'S REFUSAL TO GRANT APPELLANT SHOW CAUSE TRIAL AS PROVIDED FOR BY SECURED RIGHTS OF THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION.

2.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL'S THIS COURT'S REFUSAL TO GRANT US A HEARING TO SHOW THAT FED R CIV P RULE 65(a(1) DOES NOT EMPOWER DISTRICT COURTS TO GRANT PERMANENT INJUNCTIVE RELIEF BASED SOLELY ON UNSWORN "FACTS" WHEN WE HAD PETITIONED THE COURT FOR OUR SECURED CONSTITUTIONAL RIGHT TO A HEARING ON THE DEPENDANT'S APPLICATION FOR PERMANENT INJUNCTIVE RELIEF WHICH THEY ASKED TO BE GRANTED "WITHOUT ORAL ARGUMENT" AND SO IT WAS DONE. THE DISTRICT COURT HELD IN DISMISSING C.A.NO.C80-1236-A THAT WE HAD NO RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) AND THIS COURT DID AFFIRM SUCH A FALSE RULING.

3.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL TO THE SUPREME COURT THIS COURT'S REFUSAL TO ENTER A RULING ON OUR SECURED RIGHTS TO --- COURT APPOINTED COUNSEL WHEN CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE AND WHEN WE HAVE ESTABLISHED OUR POVERTY CONDITION SHOWING THAT WE LACK THE MONEY WITH WHICH TO RETAIN PRIVATE COUNSEL. SECTION 706(f) TITLE VII - CIVIL RIGHTS ACT-1964[42 USC # 2000c-5(f)(1)---- CASTON V. SEARS, ROEBUCH & CO, HATTIESBURG, MISS. (5TH CIR 1977) 556 F2D 1305

SUPREME COURT RULE # 13 REQUIRES APPELLANT TO DOCKET HIS APPEAL "NOT MORE THAN NINETY DAYS AFTER ENTERY OF THE JUDGMENT APPEALED FROM." THE DATE OF ENTRY OF THE JUDGMENT APPEALED FROM IS JANUARY 28,1981.

BOTH THIS COURT AND THE DISTRICT COURT ORDERED THE CLERKS AND THE DEFENDANTS NOT TO RESPOND TO ANY MOTION,OR OTHER PLEADING,FILED BY US WITH ANY COURT REVELANT TO THIS MATTER.THEREFORE,WE SHALL NOT SERVE THE DEFENDANTS WITH A COPY OF THIS "NOTICE OF INTENT TO APPEAL" BECAUSE THEY ARE UNDER A FEDERAL COURT ORDER NOT TO RESPOND TO OUR FURTHER EFFORTS TO REALIZE OUR CONSTITUTIONAL RIGHTS.

FED R CIV P RULE 65(d) REQUIRES THAT AN INJUNCTION BE A SEPARATE JUDGMENT FROM THE COURT'S MEMORANDUM OPINION OR ORDER AND THAT SAID INJUNCTION MUST BE SERVED WITH A NOTICE AND IF SUCH REQUIREMENTS ARE NOT ADHERED TO THEN THE "INJUNCTIVE RELIEF" GRANTED BY THE COURT-DENIES DUE PROCESS.

James E. Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 2.25.81.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

UNIT B

U.S. COURT OF APPEALS
FILED
OCT 23 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289

No. 80-8290

JAMES E. PATTERSON,

Petitioner

versus No. C79-106-N

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.

Respondents

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner

versus No. C80-1236-A

EXHIBIT D

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
et al.

Respondents

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the appeal by appellant (appellant appealed for a trial) from the order entered by Judge Tidwell on August 7, 1980, in the civil action numbered in the court below as C79-106-N, is dismissed, because, inter alia, it appears that the order is a show cause order requiring James E. Patterson to show cause why he should not be held in contempt, and it further appearing that the contempt hearing was to be held in the future. This dismissal is without prejudice to Mr. Patterson's right to appeal following a final judgment of contempt, if any.

the court underlined.

(you see no evidence to this effect and in fact the district judge ruled no trial. 2-10-81 JEP.

FLA

FTF

(just been trying since 8/07/80 to show cause why I am not in contempt but Judge Vining ordered the clerk on 10/03/80 not to accept any more motions from me stalling — a trial. 1-30-81

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN 6 1981
BEN H. CARTER, Clerk
By: Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
UNIT B

U.S. COURT OF APPEALS
FILED
DEC 29 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289
and 80-8290

JAMES E. PATTERSON,

Petitioner,

v. No. C79-106-N

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.,

Respondents.

****

JAMES E. PATTERSON,

Petitioner,

v. No. C80-1236-A

Exhibit C

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

Appellant previously filed documents in this court, which were close to being unintelligible. We studied the documents carefully, and attempted a liberal construction thereof, which resulted in our order entered on October 23, 1980. Our October 23, 1980, order liberally construed appellant's documents as a timely (i.e., filed on September 4, 1980) notice of appeal from Judge Tidwell's order on August 7, 1980, in

C

civil action numbered in the court below as C79-106-N, and as a timely notice of appeal from Judge Shoob's order on August 8, 1980, in civil action numbered in the court below as C80-1236-A. Our October 23, 1980, order dismissed the appeal from the order in civil action no. C79-106-N as not being ripe for appeal, but ordered that the appeal from Judge Shoob's August 8, 1980, order in civil action no. C80-1236-A be marked as having been filed on September 4, 1980, and further directed the district court to consider appellant's application to proceed in forma pauperis in C80-1236-A. Subsequently, Judge Shoob, on October 29, 1980, entered an order denying appellant's motion for leave to proceed on appeal in forma pauperis pursuant to Fed.R.App.P. 24(a), finding that appellant's appeal was not taken in good faith and was frivolous.[1]

---

[1]Except for our holding below that the appeals in these cases are not timely, we would have denied appellant's motion to proceed on appeal in forma pauperis. Evidence of malfeasance in office by a judge is never Timely -

---

Subsequent to our October 23, 1980, order[2], appellant on October 28, 1980, filed voluminous papers. Although these papers are again verbose and almost unintelligible, it is clear that appellant asserts that his only notice of appeal was filed on September 15, 1980. Since the only[3] orders appealed from were the August 7, 1980, order in civil action no. C79-106-N, and the August 8, 1980, order in civil action no. C80-1236-A, the September 15, 1980, notice of appeal was filed after the 30-day period allowed by Fed.R.App.P. 4. Accordingly, both appeals are hereby DISMISSED.[4]

[2]In light of this order dismissing the appeals, we hereby withdraw our order dated October 23, 1980.

I also appealed for Court appointed counsel but you refused to rule on that.

[3]Appellant may also be attempting to appeal from Judge Vining's order in C79-106-N, which order was dated August 28, 1980, and entered on September 2, 1980, and which order was attached to appellant's papers as Exhibit D. However, Judge Vining's order is merely an order continuing the time for the show cause hearing, and therefore is not an appealable order.

I appealed for a speedy trial

[4]Even if we should liberally construe appellant's document entitled "Motion to Disqualify Judge" as a petition for writ of mandamus to require the judge to disqualify himself, we would deny the petition as supported only by conclusory allegations and as devoid of merit.

the disqualifying statutes do not permit you to question his affidavit. Read attached Exhibit B and rule again.

A True Copy
Attested:
Clerk, U.S. Court of Appeals, Fifth Circuit
By: Brenda Haines
Deputy Clerk
Atlanta, Ga. 12/29/80

U.S. COURT OF APPEALS
FILED
JAN 28 1981
GILBERT F. GANUCHEAU
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Nos. 80-8289

and 80-8290

Received by James Patterson on 2-6-81.

EXHIBIT #2

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.

Respondents.

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY AND
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the

Northern District of Georgia

O R D E R :

These appeals having been dismissed for lack of jurisdiction by order of this court on December 29, 1980, the clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed.

In other words, the appellate Court refuses to grant me a contempt trial so that I can clear my name as a violator of a federal law. 2/9/81

It was Timely according to FRAP-26(c)

UNITED STATES CIRCUIT JUDGE

page 13-C

ATLANTA DIVISION

BY: [illegible]
Deputy Clerk

-JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION

NO. C 79-106 N

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia,

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Continued" you said and I received private Counsel in spite of the fact that I applied for Court appointed Counsel on the ground that I am not employed. 11-15-80

You issued me a show cause order. But now refuse counsel and a show cause Trial. WHY? The answer is, "Because, like I told you, you don't need a lawyer and this Court will not appoint one for you."

11/15/80

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Dan E. [illegible], Clerk
By: [illegible]
Deputy Clerk

EXHIBIT #B-1

FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON :
:
v. : CIVIL ACTION NO. C79-106N
:
HANS J. SCHACHT, et al :

B-1

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980 by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof,

It is hereby ORDERED, that Plaintiff James E. Patterson appear at the United States Courthouse; Atlanta, Georgia; Courtroom 221 on August 21, 1980 at 10:30 o'clock A.m. and show cause why he should not be held in Contempt of Court as prayed.

I did not make thru- these links. 11/25/80

~~It is further Ordered that the Complaint in~~ Patterson v. Abernathy, C80-1236A shall not be served upon any Defendant pending further order by this Court.

This Order shall be communicated to the Clerk for the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

So Ordered this 7 day of August, 1980.

G. Ernest Tidwell, Judge
United States District Court
For The Northern District of
Georgia, Atlanta Division

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
8/11/80
By: Deputy Clerk

) Filed as 9 defendants, and defendants FRANKEL and Hoffman — filed the civil contempt motion. Judge Tidwell just cut-right thru my right to summary judgment J.E.P. for C.A. 79-106N.

11-25-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
9/2/80
BEN H. CARTER, Clerk
BY: Karen Jarrett
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION
NO. C 79-106 N

A/A

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia, (2) now - read Exhibit D again

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

"Did not appear as ordered?"

This the 28th day of August, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Judge Vining Canceled this contempt trial date and then falsely certified to the Fifth Circuit that I failed to appear and then Judge Hill ruled for the fifth that such misconduct did not disqualify Judge Vining.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Ben H. Carter, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

#B

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(1) well, Sir, since said order is not an "appealable order" why don't you grant me a Trial?

(2) "additionally", Judge, if your lie were true, you would have issued a bench warrant for my arrest and then tried me for criminal contempt. I have not been arrested or Tried.

ORDER

The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. (1) See A Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

SO ORDERED, this 6th day of October, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

(3) "additionally", Judge Vining wrote the order that canceled the August 8 order. See his order of 9/29/80. no. You aren't about to for civil contempt by me and afford me the right to force you to prove your charges for benefit of the Defendants.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
10/9/80
Ben E. [illegible], Clerk
By: [illegible] Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES E. PATTERSON, :

Plaintiff, :

v. : CIVIL ACTION

OTIS J. ABERNATHY, et al., : C80-1236A

Defendants :

ATTEST: A TRUE COPY CERTIFIED THIS 12th day of Aug. 1980
Ken B. Carter, Clerk
by: Doris Wynn
Deputy Clerk

ORDER

It appearing to the Court that the Complaint in the above captioned matter fails to comply with Rule 8 of the Federal Rules of Civil Procedure, and it further appearing to the Court that the Plaintiff's filing of the Complaint is in violation of the Order and injunction in Patterson v. Schacht, C79-106N (N.D. Ga. March 20, 1980),

It is hereby ORDERED that the Complaint be DISMISSED with prejudice and that service of the Complaint and summons be QUASHED.

This Court has been advised by the clerk's office that plaintiff's check for the cost deposit in this case has been returned for insufficient funds. It is ORDERED that the Clerk of the United States District Court for the Northern District of Georgia shall not accept any further complaints for filing or service from the Plaintiff unless all fees for filing and service are paid by cash, money order, cashiers check, or certified check.

This Order shall be communicated to the Clerk of the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

#6

and the Marshal is instructed that the Complaint in this matter shall not be served upon any Defendant. Since there was no defendant you violated federal law By accepting an ex parte motion to dismiss

IT IS SO ORDERED, this 8th day of August, 1980.

(2)

(2) You lacked Jurisdiction over case as defendants said you did not have service of process evidenced

Marvin H. Shoob, Judge
United States District Court
Northern District of Georgia

Why didn't you rule on my affidavit to disqualify you, dated 7/15/80? Tidwell, also-?

Judge Tidwell's show cause order states complaint filed on 7/21/80 and it should have been served before 8TH of August - 1980 Judge must sign for service on 7/15/80

Judge

April 13, 1976

Mr. James E. Patterson
Visiting Teacher
Troup County Schools
Troup High School
LaGrange, Georgia 30240

Dear Mr. Patterson:

Your contract for the 1976-77 school year has not been renewed.

Sincerely yours,

Otis J. Abernathy

Otis J. Abernathy
Superintendent
Troup County Schools

OJA:jss
bc: Mr. James Lewis

the Supt. doesn't have to write me a one sentence letter terminating my employment contract if he plans for the required hearing- which I didn't get.

ABERNATHY ADVISED THAT "YOUR CONTRACT FOR THE 1976-77 SCHOOL YEAR HAS NOT BEEN RENEWED" HE FIRED ME ON APRIL 12,1976 IN CLEAR VIOLATION OF GA.CODE.ANN.# 32-2101c,(b)NOTICE,(e)HEARING.

PLEASE NOTE THE "bc" TO JAMES LEWIS. IF WHAT ABERNATHY HAD DONE WAS LEGAL THERE WAS NO NEED TO SLIP HIS LAWYER A "bc" OF THE ABOVE LETTER AND SINCE LEWIS ATTENDS ALL LOCAL SCHOOL BD. MEETING HE KNEW THAT I WAS FIRED ON APRIL 12,1976 BECAUSE HE WAS PRESENT WHEN THE BOARD VOTED TO TERMINATE MY CONTRACT OF EMPLOYMENT FOR SCHOOL YEAR 1976-1977 IN VIOLATION OF DUE PROCESS.

IF THIS COURT APPROVES OF ABERNATHY FIRING A TEACHER WITH 30 OF SERVICE WITHOUT AFFORDING A DUE PROCESS HEARING THIS COURT HAS MADE THE JOB PROTECTION INTENDED BY STATE LAW TO BE A MOCKERY AND ABERNATHY WILL KNOW THAT HE HAS A LICENSE FROM THE U.S.SUPREME COURT TO FIRE WHOM HE PLEASES AND WHEN HE PLEASES.

J.E. Patterson
5-10-81

80-6657

CASE NO. _____

RECEIVED
MAY 13 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT
OF THE UNITED STATES

OCTOBER TERM, 1980

JAMES E. PATTERSON,
APPELLANT,
VS.

HANS SCHACHT, OTIS ABERNATHY, JAMES LEWIS, RALPH JOHNSON, NEIL GUNTER, WESLEY BOYD, KENNETH GORDON, THEODORE FRANKEL, AND JOHN HINCHEY.

ON APPEAL FROM THE FIFTH CIRCUIT COURT
OF APPEALS

JURISDICTIONAL STATEMENT

James E. Patterson
JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404]882-8533

IN UNITED STATES SUPREME COURT
WASHINGTON, D.C.

JAMES E. PATTERSON, PETITIONER

V.

OTIS ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS SCHACHT(SHOT), JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER & RALPH JOHNSON AND ALL BONDING COMPANIES COVERING ABOVE RESPONDENTS
RESPONDENTS

C.A.NO.79-106-N

JAMES E. PATTERSON, PETITIONER

V.

OTIS J. ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, RALPH JOHNSON, WILLIAM E. HOFFMAN, JR., & JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA
RESPONDENTS

C.A.NO.80-1236-A

PETITION FOR ALLOWANCE OF AN APPEAL

PETITION IS HEREBY MADE BY JAMES E. PATTERSON, PRO SE, 1004 VERNON STREET, LAGRANGE, TROUP COUNTY, GEORGIA, 30240 FOR ALLOWANCE OF AN APPEAL FROM THE JUDGMENT OF THE DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA ENTERED ON OCTOBER 21, 1980 FINDING PETITIONER AS GUILTY OF CIVIL CONTEMPT WITHOUT AFFORDING HIM EITHER COUNSEL OR A TRIAL AND FROM THE FIFTH CIRCUIT COURT OF APPEALS ORDER ENTERED ON JANUARY 28, 1981 AFFIRMING THAT DISTRICT COURT ORDER IN FAVOR OF ALL ABOVE RESPONDENTS.

PETITIONER ADVISES THAT THE FIFTH CIRCUIT COURT OF APPEALS DID - AFFIRM THE DISTRICT COURT'S ORDER BY REFUSING TO GRANT US SECURED SIXTH AMENDMENT RIGHTS TO COUNSEL AND A SPEEDY TRIAL ON PENDING -- CIVIL CONTEMPT CHARGES AND BY REFUSING TO ENTER A RULING REVELANT TO EX PARTE MOTION TO DISMISS CASE NO. C80-1236-A.

PETITIONER FURTHER INFORMS THIS COURT THAT THE DISTRICT COURT ORDER MUST BE READ WITH INTENT IN WHICH IT IS WORDED TO DETERMINE THAT THE DISTRICT COURT NEVER INTENDS TO AFFORD US A CIVIL CONTEMPT TRIAL IN THAT COURT "BEMOANS "THE FACT THAT IT LACKS THE POWER TO ENFORCE ITS INJUNCTIVE SUPPRESSION ORDERS WHICH IS NOT TRUE IF SAID ORDER IS VALID AND IF THE COURT IS WILLING TO TRY US FOR HAVING VIOLATED ITS "INJUNCTIVE SUPPRESSION ORDER" SEE, EXHIBITS NOS. 1 & 2.

RESPECTFULLY SUBMITTED,

DATED: 3-6-81.

James Patterson
JAMES E. PATTERSON, PRO SE
LAGRANGE, GEORGIA 30240

IN THE UNITED STATES SUPREME COURT
WASHINGTON,D.C.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,RALPH JOHNSON, JAMES E.LEWIS,KENNETH GORDON, THEODORE FRANKEL,JOHN HINCHEY, HANS J.SCHACHT,NEIL GUNTER & WESLEY BOYD.

RE: C.A.NO.79-106-N

OTIS ABERNATHY,RALPH JOHNSON, JAMES LEWIS,THEODORE FRANKEL, KENNETH GORDON,HANS J.SCHACHT, JOHN HINCHEY,NEIL GUNTER,WESLEY BOYD & THE UNITED STATES DISTRICT COURT -NORTHERN DISTRICT OF GA.

RE: C.A.NO.80-1236-A

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES THE PETITIONER,JAMES E.PATTERSON,PRO SE,AND MOVES THIS COURT FOR LEAVE TO PROCEED IN THIS ACTION IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. # 1915 WITHOUT FIRST BEING REQUIRED TO PREPAY FEES AND THE COSTS OR OTHERWISE BEING REQUIRED TO GIVE SECURITY THEREFOR.IN SUPPORT OF THIS MOTION PETITIONER,PRO SE,HAS ATTACHED HIS AFFIDAVIT OF POVERTY HERETO.

THE UNITED STATES SUPREME COURT NOT ONLY HAS THE POWER TO CONSIDER THIS MOTION FOR RELIEF FROM A CORRUPTED FEDERAL DISTRICT COURT BUT IT IS THE SWORN DUTY OF THIS COURT TO KEEP THE DIDTRICT COURTS FREE OF JUDGES KNOWN TO BE GUILTY OF MALFEASANCE IN OFFICE.28 U.S.C. # 1253.

THE COURT SHOULD PERMIT THIS APPEAL IN FORMA PAUPERIS ON THE GROUNDS THAT INJUNCTIVE RELIEF GRANTED TO THE DEFENDANTS THAT IS NOT BASED ON EITHER SWORN AFFIDAVITS OR EVIDENCE DEDUCED AT A HEARING IS UNCONSTITUTIONAL. 28 U.S.C.# 1253.MC LUCAS V.DECHAMPLAIN (1975) 421 US 21,95 SCT 1365,43 LE2D 699.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
(404) 882-8533

DATED: 3-6-81.

IN UNITED STATES SUPREME COURT
WASHINGTON,D.C.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON,THEODORE FRANKEL,HANS SCHACHT,WESLEY BOYD,NEIL GUNTER, RALPH JOHNSON,AND ALL BONDING COMPANIES COVERING THE ABOVE RESPONDENTS

C.A.NO.79-106-N

RESPONDENTS

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES* LEWIS, * KENNETH GORDON,THEODORE FRANKEL,* *HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD,RALPH JOHNSON, WILLIAM E.HOFFMAN,JR.,JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA. *= LAWYER.

AFFIDAVIT SUPPORTING PETITION FOR LEAVE TO

APPEAL IN FORMA PAUPERIS

I,JAMES E.PATTERSON,BEING FIRST DULY SWORN,DEPOSE AND SAY THAT I AM THE PETITIONER IN THE ABOVE-ENTITLED CASES; THAT IN SUPPORT OF MY PETITION TO PROCEED ON APPEAL WITHOUT BEING REQUIRED TO PREPAY FEES COSTS OR GIVE SECURITY THEREFOR,I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF SAID PROCEEDING OR TO GIVE SECURITY THEREFORE; THAT I BELIEVE I AM ENTITLED TO REDRESS; AND THE ISSUES WHICH I DESIRE TO PRESENT ON APPEAL ARE THE FOLLOWING:

1. THE FEDERAL JUDICARY CONSPIRACY EMPLOYED SINCE 1977 BY THE DISTRICT AND APPEALS COURT WITH STATE EMPLOYEES AND PRIVATE CITIZENS TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

2. WHEN FOUR (4) DISTRICT COURT JUDGES BECOMES INVOLVED IN A --- FEDERAL JUDICARY CONSPIRACY TO COVER UP FOR ANOTHER FEDERAL JUDGE ,WHO IS GUILTY OF MALFESANCE IN OFFICE,IT IS TIME FOR THIS COURT TO DEMONSTRATE TO THE FIFTH CIRCUIT COURT OF APPEALS THAT THIS COURT DOES NOT CONDONE SUCH FRAUDULENT CONDUCT EVEN IF THAT COURT DOES, AND "IT" DOES SO CONDONE.

1. ARE YOU PRESENTLY EMPLOYED?
   (a) NO.

1. (b) IF ANSWER IS NO, STATE DATE OF LAST EMPLOYMENT AND THE AMOUNT OF THE SALARY AND WAGES RECEIVED?

   (a) LAST EMPLOYMENT SCHOOL YEAR 1975-1976 WITH ANNUAL --- SALARY OF $ 15,000.00 PER YEAR. SCHOOL SOCIAL WORKER.

2. HAVE YOU RECEIVED WITHIN THE PAST TWELVE MONTHS ANY INCOME FROM A BUSINESS, PROFESSION OR OTHER FORMS OF SELF EMPLOYMENT, OR IN THE FORM OF RENTS, INTEREST, DIVIDENDS, OR OTHER SOURCE?

   (a) RECEIVE $ 496.30 PER MONTH DISABILITY INSURANCE FROM - THE SOCIAL SECURITY ADMINISTRATION.

3. DO YOU OWN ANY CASH OR CHECKING OR SAVINGS ACOUNT?

   (a) NO SAVINGS ACCOUNT. LESS THAN $ 100.00 IN CHECKING ACCOUNT.

4. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES, AUTOMOBILES, OR OTHER VALUABLE PROPERTY.

   (a) ONLY OWN A 1948 FORD AND A 1968 CHEVROLET.

5. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND STATE THEIR RELATIONSHIP WITH YOU.

   (a) I SHARE THE EXPENSES FOR THE HOME IN WHICH I RESIDE WITH MY SINGLE SISTER, WHO IS UN-EMPLOYED DUE TO A HEART CONDITION.

I UNDERSTAND THAT A FALSE STATEMENT OR ANSWER TO ANY QUESTIONS IN THIS AFFIDAVIT WILL SUBJECT ME TO THE PENALTY FOR PERJURY.

James Patterson
JAMES E. PATTERSON

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF March 1981.

Sherry Pruett
NOTARY PUBLIC

My Commission Expires Aug. 21, 1981.

QUESTIONS PRESENTED

1. DID THE FIFTH CIRCUIT COURT OF APPEALS ERR AS A MATTER OF LAW IN HOLDING THAT THE DISTRICT FEDERAL COURT HAD THE POWER TO ISSUE A PERMANENT INJUNCTION AGAINST THIS APPELLANT IN THE ABSENCE OF ANY AFFIDAVIT(S) OR TESTIMONY OR AN ORAL HEARING AS MANDATED BY FED R CIV P RULES 65(a)(1) & 65(b)?

2. DID THE FIFTH CIRCUIT COURT OF APPEALS ERR BY HOLDING IN EFFECT THAT THE GEORGIA PROFESSIONAL PRACTICES COMMISSION (COMMISSION) COULD CONVICT THIS APPELLANT AS THE AUTHOR OF "INSURBORDONATE" LETTERS CLAIMED TO BEAR OUR SIGNATURES, BUT WHICH APPELLANT HAS NEVER BEEN CONFRONTED WITH ON CROSS-EXAMINATION, NOR VIA ANY OTHER MEANS? SEE, RALPHO V.BELL, FOR RIGHT TO "MEET AND REBUT EVIDENCE UTILIZED BY AN ADMINISTRATIVE AGENCY" WHICH THE COMMISSION IS. U.S.C.A.CONST. CONST.AMENDS.5-6-14-RALPHO V.BELL,(D.C.D.C.1977) 569 F.2D 607,186 U.S.APP.D.C.368,ON REHEARING 569 F.2D 636,186 U.S.APP.D.C.397.

3. WHEN A PERSON IS CONVICTED AS THE AUTHOR OF "INSURBORDONATE - LETTERS, BUT DENIED THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION DOES THAT FACT SHOW THAT THE CONVICTED AUTHOR'S COUNSEL USED HIM FOR COUNSEL'S OWN PERSONAL FINANICAL GAIN?

4. IF THE ACT OF TRYING TO FILE C.A.NO.80-1236-A WAS A VIOLATION OF AN INJUNCTIVE CLAUSE TACKED ON TO DISMISSAL ORDER NO.C79-106-N, IN CLEAR VIOLATION OF FED R CIV P RULE 65(b),AS CLAIMED BY THE DISTRICT COURT IN ORDERING US TO SHOW WHY WE WERE NOT IN CONTEMPT OF - COURT, WAS APPELLANT PATTERSON NOT ENTITLED TO A DUE PROCESS HEARING BEFORE C.A.NO.80-1236-A WAS QUASHED, SAID HEARING BEING GUARANTEED BY U.S.C.A.CONST.AMENDS.5-6-14? SEE, ADAMS V.SAMPSON,(D.C.N.H.1978) F.SUPP.233.

5. DOES A FEDERAL DISTRICT COURT HAVE THE POWER UNDER 28 USC # 1651(a) TO PROTECT FROM PROSECUTION PARTIES GUILTY OF HAVING FILED - LIBELOUS, FRAUDULENT CONTEMPT CHARGES AGAINST THIS APPELLANT , BUT WHO THEN MOVED FOR NO TRIAL AFTER THE ORDER PROTECTING THEM UNDER 28 # 1651(a) WAS ENTERED? THUS THE MOTION FOR NO TRIAL HAS BEEN HONORED FOR BENEFIT OF DEFENDANTS SINCE AUGUST 7,1980.

6. DOES THE TROUP COUNTY, LAGRANGE, GEORGIA, BD.OF EDUCATION, HAVE THE LEGAL AUTHORITY TO TERMINATE A TEACHER'S "CONTRACT OF EMPLOYMENT" - BEFORE THE BOARD AFFORDS THAT TENURED TEACHER THE "NOTICED HEARING"

6.REQUIRED BY GA.CODE ANN.# # 32-2101c,(b)-NOTICE,& 32-2104c, DUE PROCESS REQUIRED BEFORE TERMINATION OF "CONTRACT OF EMPLOYMENT?"

7. DOES A PLAINTIFF,PRO SE HAVE THE CONSTITUTIONAL RIGHT TO SHOW A DISTRICT COURT THAT A PREVIOUS JUDGMENT AGAINST HIM,SPECIFICALLY JUDGMENT/ORDER NO C77-6-N,IS A FRAUDULENT JUDGMENT AND THAT THE FIFTH CIRCUIT COURT OF APPEALS ERRED AS A MATTER OF LAW IN AFFIRMING THAT DISTRICT COURT JUDGMENT ON THE GROUNDS THAT THE EXHIBITS DESCRIBED IN THAT DISTRICT COURT JUDGMENT/ORDER ARE NOT A PART OF THE RECORD/FILE FOR JUDGMENT/ORDER NO.C77-6-N?

8. SINCE THAT PLAINTIFF,PRO SE WAS ORDERED BY THE COURT AT THE "TRIAL?" FOR CASES NOS.C78-31-N & C78-47-N NOT TO ASK ANY WITNESS (THE APPELLEES) ANY QUESTIONS ABOUT THAT JUDGMENT/ORDER FOR C.A.NO. 77-6-N WAS PLAINTIFF,PRO SE DENIED DUE PROCESS OF A SIXTH AMENDMENT FAIR TRIAL ON THE GROUNDS THAT THERE IS NO TIME LIMITATION WITHIN WHICH A FRAUDULENT JUDGMENT BECOMES FINAL. FED R CIV P RULE 60(3) FRAUD.

9. DOES A FEDERAL DISTRICT COURT HAVE THE LEGAL POWER TO KEEP A FRAUDULENT JUDGMENT "COVERED UP"BY MEANS OF A FRAUDULENT PROTECTIVE ORDER DESIGNED TO CONTROL THE EVIDENCE AND THUS THE JUDGMENTS FOR CASES NO.C78-31-N AND C.A.NO.78-47-N,ALSO?

10. SINCE ONE ALLEGATION REVELANT TO C.A.NO.78-31-N WAS THAT THE JUDGMENT/ORDER FOR C.A.NO.77-6-N WAS A FRAUDULENT JUDGMENT DID NOT PLAINTIFF,PRO SE,PATTERSON,HAVE A DUE PROCESS RIGHT AT "TRIAL?" FOR CASE NO.C78-31-N TO HAVE THE COURT'S RECORD FOR FILE NO.C77-6-N BROUGHT INTO THE COURT SO THAT PATTERSON COULD HAVE SHOWN THE COURT THE EVIDENCE IN THAT RECORD,COMPILED BY THE COMMISSION,AS A FRAUD?

THE APPELLANT WILL BE FOREVER GRATEFUL TO THIS COURT IF IT WILL ENTER A RULING UPON THE ABOVE "QUESTIONS PRESENTED"BECAUSE THE FAILURE TO DO SO WILL SERVE TO GIVE THE APPELLEES MORE "AMMUNITION" WITH WHICH TO "TAUNT"ME WITH.

for, and powers and duties of superintendents and members of boards of education of the several local units of administration shall be as prescribed by law: Provided, however, that such superintendents and members of local boards of education shall comply with, execute and enforce the provisions of this Chapter and other school laws, and provisions of rules, regulations, policies and standards adopted by the State Board of Education pursuant thereto, in order to render the respective local units of administration eligible to receive State funds under the provisions of this Chapter.

(Acts 1974, pp. 1045, 1090.)

32-662a Local units of school administration; employment of personnel

(a) All teachers, principals, other certificated professional personnel, and all other school personnel of local units of administration shall be employed by local boards of education on the recommendation of the superintendent of schools of the local unit. Minimum qualifications for employment of all school personnel may be prescribed by the State Board of Education unless otherwise provided by law. Employment contracts of teachers, principals, other certificated professional personnel shall be in writing and shall be signed in duplicate by such personnel on their own behalf and by the local superintendent of schools on behalf of the local board of education.

(b) Any other provisions of this Chapter or any other laws to the contrary notwithstanding, local boards of education shall tender a new contract for the ensuing school year to every teacher on the payroll of the local school system at the beginning of the preceding school year, except teachers who have resigned or who have been terminated, by April 15 of each year or notify any such teacher that they are not going to rehire him for the ensuing school year. The notification shall be in writing.

(c) Any other provisions of this Chapter or any other laws to the contrary notwithstanding, no local board of education shall employ any person as a teacher who has been discharged from the armed forces of the United States with a dishonorable discharge as a result of desertion or any person who has fled or removed himself from the United States for the purpose of avoiding or evading military service in the armed forces of the United States excluding those who have been fully pardoned.

(Acts 1974, pp. 1045, 1091; 1975, p. 1537.)

Editorial Note
Acts 1975, p. 1537, added subsection (c).

32-663a Pupils attending school in adjacent local units of administration; allotment of State funds; contracts between local units

Notwithstanding the foregoing provisions of this Chapter and other school laws, the State Board of Education is hereby authorized to provide, by regulation, a procedure and manner whereby a pupil shall, for such

compelling reasons and circumstances as may be defined and specified by the State Board, be permitted to attend and be included as an enrolled pupil in average daily attendance in the public schools of a local unit of administration immediately adjacent to the local unit of administration wherein the pupil resides for the purpose of allotting State funds under the provisions of this Chapter, notwithstanding absence of an agreement between the two adjacent local units and a refusal by the board of education of the local unit wherein the pupil resides to voluntarily approve such transfer of a pupil to the public schools of the adjacent local unit: Provided, however, that the board of education of the adjacent local unit is willing to receive and permit such pupil to enroll in and attend the public schools of such local unit. The State Board shall adopt such rules, regulations and policies as may be necessary for implementation of this section. Grant or refusal of permission for pupils to attend such schools, for the purpose of permitting State funds to follow such pupils, shall be entirely discretionary with the State Board and shall, in the absence of a clear abuse of discretion by the board, be final and conclusive. Local units of administration may contract with each other for the care, education and transportation of pupils and for such other activities as they may be authorized by law to perform.

(Acts 1974, pp. 1045, 1091.)

32-664a Voter registration; excused absences

Each student in the public schools of the State of Georgia, upon attaining the age of 18 years, shall be apprised of his right to register as an elector and vote in elections upon attaining the age of 18 years. The State Board of Education shall promulgate rules and regulations to carry out the provisions of this section. An excused absence of a student, as determined by the local unit of administration, not to exceed one school day, shall not be counted against any local unit of administration in ascertaining "average daily attendance."

(Acts 1974, pp. 1045, 1092.)

32-664a.1 Pledge of Allegiance to the flag

Each student in the public schools of the State of Georgia shall be afforded the opportunity to recite the Pledge of Allegiance to the flag of the United States of America during each school day. It shall be the duty of each local board of education to establish a policy setting the time and manner for recitation of the Pledge of Allegiance. Said policy shall be established in writing and shall be distributed to each teacher within the school.

(Acts 1976, p. 271.)

32-665a Financial procedures established

For the purpose of promoting economy and efficiency in the financial operation of local school systems, keeping all school expenditures within estimated receipts and balances, and to facilitate financial review audits of local school system operations, and to determine conformance of school

this Chapter shall include all public school systems in this State, including those maintained and operated by counties, cities, towns and municipalities, including independent local systems and all public school systems, whether created before or after the Constitution of 1877.

(Acts 1958, pp. 231, 232.)

32-2119 Excused absences for children serving as pages of General Assembly

Children who serve as pages of the General Assembly of Georgia during the school year, either at regular or special sessions, shall be granted excused absences for the day or days missed from school while serving as pages therefor, and said children shall be credited as present by the school in which enrolled.

(Acts 1963, p. 254.)

CHAPTER 32-21A. SPECIAL COURSES, CLASSES OR SCHOOLS FOR CORRECTING SPEECH OF DEAF CHILDREN

Editorial Note

This Chapter was repealed by Acts 1975, pp. 539, 565. This 1975 Act was amendatory of Acts 1974, p. 1045, the Adequate Program for Education in Georgia (Chapter 32-6A). This former Chapter was based upon Acts 1945, pp. 312—315.

Acts 1953, Nov. Sess., p. 474, supplemented Acts 1945, p. 312, by providing that the independent city school systems and the county boards of education in all counties of over 300,000 population, according to the 1950 and any subsequent United States census, and in all counties adjoining such counties, may establish and maintain special courses or classes in or schools for speech correction.

CHAPTER 32-21B. EARLY CHILDHOOD DEVELOPMENT ACT

Editorial Note

This Chapter was repealed by Acts 1975, pp. 539, 565. This 1975 Act was amendatory of Acts 1974, p. 1045, the Adequate Program for Education in Georgia (Chapter 32-6A). This former Chapter was based upon Acts 1972, pp. 722—726.

CHAPTER 32-21C. TERMINATION OF CONTRACTS OF TEACHERS, PRINCIPALS AND OTHER EMPLOYEES HAVING CONTRACT FOR DEFINITE TERM

32-2101c Procedure for termination, suspension or demotion

(a) Grounds for termination, suspension, or demotion

The contract of employment of a teacher, principal or other employee having a contract for a definite term may be terminated or suspended for the following reasons:

(1) Incompetency;
(2) Insubordination;
(3) Wilful neglect of duties;
(4) Immorality;
(5) Inciting, encouraging or counseling students to violate any valid State law, municipal ordinance, or policy or rule of the local board of

THIS IS 32-2101c and (b-f) COVERS ALL TEACHERS UNDER 32-210 3

education; and

(6) For reduction in staff due to loss of students or cancellation of programs;

(7) For failure to secure and maintain necessary educational training; and

(8) For any other good and sufficient cause.

"BEFORE!"

(b) Notice

Before the discharge or suspension of a teacher, principal or other employee having a contract of employment for a definite term, written notice of the charges shall be given at least 10 days before the date set for hearing, and shall state:

(1) The cause or causes for his discharge, suspension, or demotion in sufficient detail to enable him fairly to show any error that may exist therein;

(2) The names of the known witnesses and a concise summary of the evidence to be used against him; the names of new witnesses shall be given as soon as practicable;

(3) The time and place where the hearing thereon will be held;

(4) Notification that the charged teacher or other person, upon request, shall be furnished with compulsory process or subpoena legally requiring the attendance of witnesses and the production of documents and other papers as provided by law.

(c) Service

All notices required by this Chapter may be served either personally or by certified mail. Service shall be deemed to be perfected when said notice is deposited in the United States Mail addressed to the last known address of the addressee with sufficient postage affixed thereto.

(d) Counsel; testimony

Any teacher, principal or other person against whom such charges listed in subsection (a) of this section have been brought, shall be entitled to be represented by counsel, and upon request shall be entitled to have subpoenas or other compulsory process issued for attendance of witnesses and the production of documents and other evidence.

Such subpoenas and compulsory process shall be issued in the name of the board of education, and shall be signed by the president or vice-president of the board of education. In all other respects, such subpoenas and other compulsory process shall be subject to the provisions of sections 38-801, 38-802.

(e) Hearing

The hearing shall be conducted before the local board of education or said board may designate a tribunal to consist of not less than three nor more than five impartial persons possessing academic expertise to conduct the hearing and submit its findings and recommendations to the board for its decision thereon, or said board may refer said matter for hearing to a tribunal constituted by the Professional Practices Commission [§§ 32-838 through 32-842].

The hearing shall be reported at the board's expense. If the matter is

subsections (b) through (f), inclusive, of section 32-2101c. For purposes of this section, a teacher or other employee as hereinbefore referred to shall be deemed to have been employed for three successive school years where the teacher or employee had already completed two years with the system and while serving under his third successive contract has his contract of employment renewed by the board of education for the fourth consecutive year. Only service rendered as an employee of the same local board of education may be counted as service for the purpose of this section.

(Acts 1975, pp. 360, 364.)

32-2104c Powers of board

In exercising its powers in the enforcement of due process under this Chapter, a local board of education shall be authorized:

(a) Under section 32-2101c, to:

(1) Terminate the contract of the teacher or other school employee; or

(2) Suspend a teacher or other school employee without pay for a period of time not to exceed 60 days. In such event, said teacher or employee shall provide no services for the school system and shall receive no compensation but shall be considered an employee on suspended status; or

(3) Reinstate a teacher or other school employee in the event said teacher or school employee has been temporarily relieved from duty in accordance with the provisions of this Chapter.

(b) Under section 32-2103c, to:

(1) Nonrenew a teacher's or other school employee's contract; or

(2) Renew a teacher's or other school employee's contract; or

(3) Demote a teacher or other school employee from one position in the school system to another position in the school system having less responsibility, prestige and salary: Provided, however, nothing in this Chapter shall be construed as depriving local school boards and other school officials from assigning and reassigning teachers and other certificated professional employees from one school to another or from assigning and reassigning teachers to teach different classes or subjects.

(Acts 1975, pp. 360, 365.)

32-2105c Letters of reprimand

A superintendent may write a letter of reprimand to a teacher or other school employee for any valid reason. A copy of said letter of reprimand is to remain in the teacher's or employee's permanent personnel file and said teacher of employee receiving such a letter of reprimand shall have the right to appeal the decision of the superintendent to the local board, said hearing to be conducted according to the provisions of this Chapter. The board shall have the right to either affirm the decision of the superintendent or to reverse it. If the decision of the board is to reverse it, said letter of reprimand shall be removed from said teacher's employee's permanent personnel file.

(Acts 1975, pp. 360, 366.)

32-2106c Implementing rules

The State Board of Education and local boards of education may adopt rules and regulations to implement this Chapter not inconsistent herewith.

(Acts 1975, pp. 360, 366.)

32-2107c Construction

Nothing in this Chapter shall be construed as authorizing a local board of education to enter into contracts with any employees for definite terms where such contracts are not already authorized by existing law or by laws to be enacted hereafter, separately from this Chapter.

(Acts 1975, pp. 360, 366.)

32-2108c Applicability

The provisions of this Chapter shall apply to county boards of education, boards of education of independent school systems, boards of education of public school systems established prior to the adoption of the Constitution of 1877 and boards of education of area school systems.

(Acts 1975, pp. 360, 367.)

PART III. VOCATIONAL EDUCATION

CHAPTER 32-22. IN GENERAL

32-2201 Acceptance of provisions of Act of Congress

The State of Georgia hereby accepts the provisions of an Act of the Congress of the United States approved February 23, 1917 (20 U. S. C. A., § 11 et seq.; c. 114, § 1, 39 Stat. 929), the caption of which said Act is as follows:

"An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and the appropriate money and regulate its expenditure, and for other purposes," and the provisions of said Act as set forth in Sections 1, 2, 3, and 4 of said Act and the provisions thereunder and appropriations therefor to be used according to and as provided in said Act.

(Acts 1919, pp. 288, 361.)

32-2202 Duties of State Board of Education as to vocational education

The State Board of Education, in offsetting the Federal appropriation, is directed to take advantage of whatever appropriation the State makes to local schools, municipal and county, normal schools and the teacher training department of the University of Georgia in order to secure these funds under the regulations provided by the Federal Vocational Board and also take advantage, when permitted by the Federal Vocational

PARTIES TO THE PROCEEDINGS

JAMES E.PATTERSON,

VS. APPELLANT NO. 80-8289

HANS J.SCHACHT,OTIS J. ABERNATHY,RALPH JOHNSON, KENNETH GORDON,THEDORE FRANKEL, KENNETH GORDON,NEIL GUNTER, WESLEY BOYD,JOHN HINCHEY, DIST.COURT NO.C79-106N

APPELLEES

JAMES E.PATTERSON,

VS. APPELLANT NO.80-8290

OTIS ABERNATHY,RALPH JOHNSON, JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT, JOHN HINCHEY,NEIL GUNTER,WESLEY BOYD,WILLIAM E.HOFFMAN,JR.,JEFFERY SMITH & UNITED STATES DIST.COURT NORTHERN DISTRICT OF GEORGIA, DIST.COURT NO.C80-1236-A

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OPINION BELOW

THE FIFTH CIRCUIT COURT OF APPEALS HELD IN C.A.NO. 77-3097 THAT APPELLANT'S CIVIL RIGHTS WERE NOT VIOLATED BY HIS EMPLOYER, THE - TROUP COUNTY, LAGRANGE, GEORGIA, BOARD OF EDUCATION, TERMINATING HIS EMPLOYMENT ON THE BASIS OF EXHIBITS CLAIMED TO BEAR OUR SIGNATURES, BUT WITH WHICH WE HAVE YET TO BE CONFRONTED WITH. ORDER DATED 4/17/78.

THE DISTRICT COURT THEN DETERMINED REVELANT TO C.A.NO.78-3-N & C.A.NO.78-47-N, WHICH APPELLANT FILED AFTER THE AFFIRMATION BY THE APPELLANT COURT CITED ABOVE, THAT IT WOULD HELP THE APPELLEES PREVENT APPELLANT FROM SHOWING THAT HE HAD NOT BEEN CONFRONTED AND - THAT THE APPELLANT COURT DID NOT ERR IN RULING OTHERWISE. SO THE -- DISTRICT COURT PERMITTED THE APPELLEES TO DRAFT A FRAUDULENT PROTECTIVE ORDER DESIGNED TO DENY US ALL ACCESS TO THOSE MANUFACTURED LETTERS BEARING OUR SIGNATURES. FRAUDULENT ORDER ENTERED-8/4/78.

THE OPINION BELOW SHOWS THAT THE DISTRICT COURT SIGNED THAT -- FRAUDULENT PROTECTIVE ORDER WHICH FALSELY ALLEGED THAT WE WERE REPRESENTED BY AN ATTORNEY WITH BOTH C.A.NOS.78-31-N AND 78-47-N. WE SHOW THIS COURT THAT NO ATTORNEY REPRESENTED US WITH THOSE TWO CASES, AND THEREFORE, TWO FEDERAL COURT JUDGMENTS WERE STOLEN VIA A --- FRAUDULENT PROTECTIVE ORDER WHICH FALSELY ALLEGES THAT BEFORE THAT ORDER WAS DRAFTED AN ATTORNEY HAD ARGUED IN OUR BEHALF FOR THAT -- MANUFACTURED EVIDENCE WHICH THE COURT RULED WE COULD NOT HAVE OR SEE TO PREPARE OUR CASES FOR TRIAL. THE TWO CASES CITED HERE WERE SAID TO BE "TRIED?" TOGETHER IF THERE IS A TRIAL WHEN THE DEFENDANTS -- HOLD EVODENCE AGAINST THE PLAINTIFF WHICH THE COURT RULES PLAINTIFF CANNOT HAVE AND CANNOT SEE.

AFTER THE APPELLEES HAD STOLEN THOSE ABOVE CITED JUDGMENT, WE FILED ON DECEMBER 3,1979 C.A.NO.79-106-N ALLEGING DENIAL OF DUE PROCESS IN EVERY STEP OF OUR PREVIOUS EFFORTS FOR THE DUE ADMINISTRATION OF JUSTICE.

THE DISTRICT COURT ENTERED AN ORDER ON MARCH 5,1980 REQUIRING APPELLEES TO MAKE US AN OFFER OF CONSENT JUDGMENT (RULE 68) AND -- SAID ORDER WAS ENTERED JUST ONE DAY AFTER WE SERVED A MOTION FOR - JUDGMENT ON MARCH 4,1980.

NO DEFENDANT CONTROVERTED OUR SUMMARY JUDGMENT MOTION AS REQUIRED BY FRCP RULE 56(c), SUBD.(e) AND LOCAL RULE 91.72.

THE "COURT BELOW" DISMISSED C.A.NO.79-106-N ON MARCH 20,1980, BUT DID NOT ENTER A RULING UPON OUR NON-CONTROVERTED S.J.MOTION, AND DID NOT ADJUDICATE ITS ORDER FOR A CONSENT JUDGMENT.

THIS COURT KNOWS THAT THE MAJOR ALLEGATION IN C.A.NO.79-106-N WAS THAT THE APPELEES HAD PROCEEDED AGAINST HIM IN C.A. NOS.78-31 & C.A.NO.78-47 ON THE "STRENGTH" OF A FRAUDULENT PROTECTIVE ORDER PERMITTED BY THE COURT.THUS,FOR"THE COURT BELOW" TO RULE THAT C.A. NO.79-106-N DID NOT CONTAIN ANY ISSUES NOT ADJUDICATED IN C.A. NO. 78-31-N & C.A.NO.78-47-N WAS FALSE AND AN OBVIOUS COVER UP OF A CONSPIRACY BETWEEN THE COURT AND APPELLEES.

IT WAS"THE OPINION OF THE COURT BELOW" THAT THIS PARTY SHOULD BE DEPRIVED OF COMPENSATION FOR DEPRIVATION OF HIS CIVIL RIGHTS BY THE JUDGE WITH JURISDICTION OVER CASES NOS.78-31-N & C78-47-N,AND SO THE COURT TACKED ONTO DISMISSAL ORDER FOR C.A.NO.79-106-N AN INJUNCTIVE CLAUSE PROHIBITING US FROM UTILIZING CLAMIS WHICH THAT - JUDGE REFUSED TO ADJUDICATE.

THE APPELLANT WAS PREVENTED FROM APPEALING ADVERSE JUDGMENTS FOR C.A.NOS.78-47-N & 78-47-N BY AN EMPLOYEE OF THE APPELLANT COURT WHO SENT US A FRAUDULENT ORDER SHOWING THAT WE OWED THE APPELLANT - COURT MONEY WHICH HAD TO BE PAID BEFORE WE COULD EFFECT ANOTHER - APPEAL,BUT HE,RICHARD WINDHORST,JR,JUDICAL SUPPORT,REFUSED TO STATE THE AMOUNT OWED SO WE COULD NOT CLEAR UP THAT FRAUDULENT COURT ORDER. WE HAD NO USE IN JUNE 1979 FOR A COPY OF AN ORDER ENTERED IN '77.

THE APPELLANT THEN TRIED TO CLAIM HIS RIGHT TO BOTH SUMMARY -- AND CONSENT JUDGMENT FOR C.A.NO.79-106-N BY FILING ON JULY 21,1980 C.A.NO.80-1236-A, BUT THE COURT BELOW ENTERED AN ORDER ON AUGUST 7, 1980 REQUIRING APPELLANT TO APPEAR AND SHOW CAUSE WHY HE WAS NOT IN CIVIL CONTEMPT FOR HAVING VIOLATED THE INJUNCTIVE CLAUSE TACKED ON TO DISMISSAL ORDER NO.C79-106-N IN CLEAR VIOLATION OF RULE 65(b).

APPELLANT FILED FOUR MOTION BETWEEN AUGUST 7 AND SEPTEMBER 15, 1980 ASKING FOR A SHOW CAUSE TRIAL WITH OR WITHOUT COURT APPOINTED COUNSEL WHICH THE COURT BELOW IGNORED COMPLETELY. MOTIONS WERE -- BASED ON SIXTH AMENDENT RIGHT TO A SPEEDY TRIAL AS A MATTER OF DUE PROCESS.

SINCE THE DISTRICT COURT REFUSED TO RESPOND TO OUR MOTIONS SEEKING A SHOW CAUSE HEARING,APPELLANT APPEALED ON SEPTEMBER 15,1980 TO THE FIFTH CIRCUIT COURT OF APPEALS FOR HIS DUE PROCESS RIGHTS TO A SPEEDY TRIAL AND COURT APPOINTED COUNSEL.

THE APPELLANT COURT ENTERED AN ORDER ON OCTOBER 23,1980 DENYING OUR MOTION FOR A SPEEDY TRIAL,BUT DID NOT ENTER A RULING UPON OUR MOTION FOR COURT APPOINTED COUNSEL TO WHICH WE ARE ENTITLED SINCE TERMINATION OF OUR EMPLOYMENT IN THE ABSENCE OF DUE PROCESS ATTACHED SUCH A STIGMA TO OUR REPUTATION UNTIL THE JOB MARKET HAS BEEN CLOSED TO US SINCE JUNE 1976.

APPELLANT'S CONTINUED EFFORTS TO BE ASSIGNED A COURT APPOINTED COUNSEL WAS BLOCKED WHEN ON JANUARY 28,1981 THE FIFTH CIRCUIT ENTERED AN ORDER ADVISING ITS CLERK NOT TO ACCEPT ANY FURTHER MOTIONS FROM US.THUS,THE APPELLANT COURT HAS YET TO RULE UPON OUR MOTION FOR COURT APPOINTED COUNSEL.

JURISDICTION

THE JURISDICTION OF THIS COURT IS EVOKED PURSUANT TO 28 USC ## 1252 & 1254,AND THE DUE PROCESS CLAUSES OF THE FIFTH,SIXTH AND FOURTEENTH AMENDMENTS.

THIS COURT CAN GRANT REQUESTED RELIEF VIA ITS POWER UNDER 28 U.S.C. # 1651(a).

THE JUDGMENT OF THE FIFTH CIRCUIT COURT OF APPEALS DENYING REQUESTED RELIEF WAS ENTERED ON JANUARY 28,1981.

THE NOTICE TO APPEAL TO THIS COURT WAS FILED IN THE APPELLANT COURT ON FEBRUARY 25,1981.

STATUTES INVOLVED

ONE STATUTE INVOLVED IS FRCP RULE 65(a)(1) WHICH PROVIDES THAT: "THE NOTICE REQUIREMENT OF FED R CIV P RULE 65(a)(1) IMPLIES A HEARING IN WHICH THE DEFENDANT (THIS PARTY) IS GRANTED A FAIR OPPORTUNITY TO OPPOSE THE APPLICATION FOR A PRELIMINARY INJUNCTION AND TO PREPARE FOR SUCH OPPOSITION." SEE, GRANNY GOOSE FOODS, INC. VS.--- BROTHERHOOD OF TEAMSTERS (1974) US.423.

A SECOND STATUTE INVOLVED IS FED R CIV P RULE 65(b) WHICH PROVIDED IN PART THAT : "IN CASE A TEMPORARY RESTRAINING ORDER IS GRANTED WITHOUT A NOTICE, THE MOTION FOR A PRELIMINARY INJUNCTION SHALL BE SET DOWN FOR HEARING AT THE EARLIEST POSSIBLE TIME AND TAKES PRECEDENCE OF ALL MATTERS EXCEPT OLDER MATTERS OF THE SAME NATURE." THEREFOR, WE WERE ENTITLED TO A HEARING ON THE MERITS OF C.A.NO.79-106-N BEFORE THE COURT DISMISSED THAT ACTION AND TACKED ONTO ITS DISMISSAL ORDER A PERMANENT INJUNCTIVE CLAUSE.

A THIRD STATUTE INVOLVED IS THE DUE PROCESS CLAUSE OF THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS WHICH GUARANTEES A FAIR TRIAL AND HOLDS THAT: "KNOWING USE BY THE PROSECUTION OF FALSE EVIDENCE OR PERJURED TESTIMONY DENIES DUE PROCESS"-- AND A FRAUDULENT PROTECTIVE ORDER DESIGNED BY A FEDERAL JUDGE AND THE APPELLEES TO CONTROL TWO FEDERAL COURT JUDGMENTS DENIED THIS PRO SE APPELLANT DUE PROCESS. SEE, U.S.VS. ANDERSON (C.A.GA.1978) 574 F.2D 1347.

UNITED STATES CODE 18 # 401 AND THE DUE PROCESS CLAUSES OF THE SIXTH AND FOURTEENTH AMENDMENTS AFFORDS A PARTY CHARGED WITH HAVING VIOLATED FEDERAL STATUTE 18 USC # 401, CONTEMPT, A SPEEDY TRIAL AND PROVIDES THAT: "SPEEDY TRIAL, WHICH IS ONE OF THE MOST BASIC RIGHTS PRESERVED BY CONSTITUTION CANNOT BE DIVORCED FROM THAT PANOLPY OF RIGHTS EMBRACED BY DUE PROCESS." SEE, U.S.VS.WILLIAMS (C.A.TEX.1977) U.S.C.A. CONST.AMENDS.6-14-558 F.2D 224.

FEDERAL STATUTES 18 USC # 401(3) 6001 ET SEQ; AND CIVIL RIGHTS ACT OF 1964, # 1101, 42 U.S.C.A. # 2000h AND 28 U.S.C.A. # 1826 ARE INVOLVED AND PROVIDE THAT: "DISTRICT COURT ERRED IN FAILING TO GRANT DEFENDANT (THIS PARTY) COURT APPOINTED COUNSEL AT OUTSET OF CON--- TEMPT PROCEEDINGS FOR CONSTITUTION REQUIRES THAT COUNSEL BE APPOINTED FOR INDIGENT PERSON WHO MAY BE EITHER FINED OR CONFINED PURSUANT TO A FINDING OF CIVIL CONTEMPT." U.S.V.ANDERSON (C.A.S.D.1977) 553 F.2D 1154; RICHMOND BLACK POLICE OFFICERS ASS'N V.CITY OF RICHMOND VA., (C.A.VA.1977) 548 F.2D 123.

FINALLY,DUE PROCESS CLAUSES OF FIFTH AND FOURTEENTH AMENDMENTS PROVIDES THAT:"AN OPPORTUNITY TO MEET AND REBUT EVIDENCE UTILIZED BY AN ADMINISTRATIVE AGENCY IS A PRIMARY REQUISITE OF DUE PROCESS;" AND FIVE YEARS AFTER THE LOCAL SCHOOL BOARD TERMINATED OUR EMPLOYMENT MENT ON APRIL 12,1976 ON THE BASIS OF MANFACTURED EVIDENCE BY LEWIS AND SUPT.ABERNATHY WE STILL HAVE NOT BEEN AFFORDED THE RIGHT TO MEET AND REBUT THAT EVIDENCE,THANKS TO A FRAUDULENT PROTECTIVE ORDER. SEE,RALPHO V.BELL,U.S.C.A.CONST.AMENDS.5-14 (C.A.D.C. 1977) 569 F. 2D 607,180 U.S.APP.D.C. 368.

GA.SCHOOL CODE ANN.# 32-2101c(b),(d),(e) AND 32 # 2104c (a)(1) HOLDS THAT NO PUBLIC SCHOOL TEACHER WITH THREE OR MORE YEARS OF SERVICE WITH THE SAME LOCAL BOARD CANNOT BE TERMINATED PRIOR TO A FULL DUE PROCESS HEARING. GA.SCHOOL CODE ANN.# 32-662a (b) DECLARES THAT A LOCAL SCHOOL BOARD SHALL ISSUE A NEW CONTRACT OF EMPLOYMENT BY -- APRIL 15th OF THE ENSUING SCHOOL YEAR OR ADVISE THAT TENURED TEACHER IN WRITING BY APRIL 15TH THAT HE/SHE HAS BEEN TERMINATED.

THEREFORE,THE LOCAL BOARD VOTED ON APRIL 12,1976 IN OUR ABSENCE AND WITHOUT OUR BEING REPRESENTED BY COUNSEL TO NOT RENEW OUR "CONTRACT OF EMPLOYMENT"FOR SCHOOL YEAR 1976-1977 AND THAT VOTE VIOLATED GA.CODE ANN. 32-2101c ,b-NOTICE,d-right to counsel,e- right to a hearing prior to voting not to renew OUR "CONTRACT OF EMPLOYMENT".

THE APPELLANT COURT ENTERED AN ORDER ON APRIL 17,1978 HOLDING - THAT THE LOCAL SCHOOL BOARD AFFORDED US DUE PROCESS ON APRIL 12,1976. ORDER NO.77-3097. SINCE WE HAD 30 YEARS EXPERIENCE WITH THE SAME SCHOOL BOARD WE HAD TENURE RIGHTS WHICH WERE NOT AFFORDED.

STATEMENT OF THE CASE

THIS IS A CIVIL RIGHTS CASE INVOLVING TERMINATION OF EMPLOYMENT OF APPELLANT PATTERSON WITHOUT AFFORDING DUE PROCESS OF LAW AND WE DOCUMENT A SERIES OF CONSPIRACIES EMPLOYED BY THE COURT AND OTHER APPELLEES TO DENY APPELLANT DUE PROCESS OF LAW AS A PRO SE IN THE DISTRICT FEDERAL COURTS.

GA.CODE ANN.# 32-2101 c(b) NOTICE,PROVIDES THAT NO TENURED TEACHER'S "CONTRACT OF EMPLOYMENT" SHALL BE TERMINATED PRIOR TO A NOTICE HEARING.

GA.CODE ANN.# 32-2101c(d) COUNSEL,GUARANTEES A TENURED TEACHER THE RIGHT TO BE REPRESENTED BY COUNSEL AT THE TIME THE LOCAL SCHOOL BOARD IS CONSIDERING NOT TO RE-NEW THAT TEACHER'S"CONTRACT OF EMPLOYMENT"FOR THE ENSUING SCHOOL YEAR.

GA.CODE ANN.32-2104c (a)(1) PROHIBITS A LOCAL SCHOOL BOARD FROM VOTING NOT TO RENEW A TEACHER'S"CONTRACT OF EMPLOYMENT" UNLESS THE TENURED TEACHER IS PRESENT WITH COUNSEL WHICH CODE SECTION # 32-2104c(a)(1) DEFINES AS DUE PROCESS. THE SAME PROTECTION IS AFFORDED BY THE "NOTICE"SECTION OF # 32-2101c,(b).

THE TROUP COUNTY,LAGRANGE,GEORGIA, BOARD OF EDUCATION VOTED ON APRIL 12,1976 UNDER THE INFLUENCE OF LEWIS AND SUPT.ABERNATHY TO NOT RENEW OUR"CONTRACT OF EMPLOYMENT"FOR SCHOOL YEAR 1976-1977,BUT WE HAD NOT BEEN SERVED A "NOTICE" AND WE WERE NOT PRESENTED AT THAT APRIL 12,1976 BOARD MEETING WITH OR WITHOUT LEGAL COUNSEL. WE HAD REQUESTED IN A CERTIFIED LETTER TO ABERNATHY THE RIGHT TO BE PRESENT WITH COUNSEL AT THAT APRIL 12,1976 BOARD MEETING.ABERNATHY IGNORED OUR REQUEST FOR THE BUILT IN DUE PROCESS RIGHTS CITED ABOVE.

THEREFORE,ON APRIL 12,1976 THE BD.VIOLATED THE DUE PROCESS RIGHTS OF THIS TENURED TEACHER WITH 30 YEARS OF SERVICE TO THE SAME LOCAL --- SCHOOL BOARD.

THEREAFTER APRIL 12,1976,THE LOCAL BOARD ASKED THE GEORGIA -- PROFESSIONAL PRACTICES COMMISSION (COMMISSION) TO HOLD A HEARING TO DETERMINE WHETHER THE BOARD HAD SUFFICIENT EVIDENCE TO HAVE TERMINATED OUR EMPLOYMENT ON APRIL 12,1976 IN OUR ABSENCE.

SUPT.ABERNATHY AND HIS LAWYER,JAMES LEWIS,INFLUENCED THE COMMISSION TO HOLD THE HEARING IN OUR ABSENCE.LEWIS AND ABERNATHY THEN BRIBED ATTORNEY ,TED FRANKEL,APPOINTED BY THE GA.ASS'N.OF EDUCATORS TO REPRESENT THIS PARTY,TO LET THE SECRET HEARING TAKE PLACE.

THE COMMISSION,WITH FRANKEL'S CONSENT,HELD THE SECRET HEARING SOMETIME IN JULY 1976 TO LET ABERNATHY AND HIS WITNESSES TESTIFY AND PRESENT EVIDENCE IN FORM OF EXHIBITS AGAINST THE APPELLANT.

THE COMMISSION'S HEARING EXAMINER,JOHN HINCHEY,WROTE THE FINDINGS OF FACTS AND RECOMMENDATIONS TO THE LOCAL SCHOOL BOARD FOR THE COMMISSION WHICH HE FALSELY CERTIFIED HAD BEEN ACCEPTED BY THE COMMISSION'S HEARING PANEL.TO CLARIFY,HE CLAIMED THAT HIS EVIDENCE WAS ACCEPTED.

HE MADE CHARGES OF "INSURBORDONATION" AND"WILLFUL NEGLECT OF DUTY"AGAINST A 30 YEAR VETERAN TEACHER WHICH HE "SUPPORTED" WITH 22 EXHIBITS WHICH HE CLAIMED BEARED OUR SIGNATURES,BUT NO HEARING RECORD SHOWS CONFRONTATION WITH/TO THOSE 22 EXHIBITS BY THIS CHEATED PRO SE APPELLANT.THERE WAS NO COMPLAINT IN OUR PERSONNEL FILE.

THE PROOF THAT WE WERE NOT PRESENT FOR THE SECRET HEARING IS GROUNDED IN THE FACT THAT THE FRAUDULENT TESTIMONY ATTRIBUTED TO US IN THE TRANSCRIPT REVEALS THAT WE WERE NOT AFFORDED DUE PROCESS RIGHT OF CONFRONTATION ON CROSS EXAMINIATION REVELANT TO THOSE 22 EXHIBITS CLAIMED TO BEAR OUR SIGNATURES.THUS,THE COMMISSION DENIED OUR SIXTH AMENDMENT RIGHT TO A PUBLIC TRIAL.

THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER SHOWS THAT THE COMMISSION ACCEPTED 127 EXHIBITS/DOCUMENTS AT THAT SECRET HEARING AND THE DISTRICT COURT HELD IN BOTH C.A.NO.77-6-N AND C.A. NO.78-31-N THAT OUR SIGNATURES WERE ON A MAJORITY OF THOSE 127 DOCUMENTS THEN THE COURT CONSPIRED WITH THE OTHER APPELLEES BY MEANS OF A FRAUDULENT PROTECTIVE ORDER TO PREVENT US FROM SHOWING THAT IT HAD ENTERED FALSE CHARGES AGAINST US IN CASE NO.C77-6-N.

THEREFORE,DISTRICT COURT FILE NO.C77-6-N IS THE HEARING RECORD OF THIS MATTER WHICH THE COMMISSION COMPILED IN OUR ABSENCE ,BUT BY WHICH THE COMMISSION SUPPORTED THE LOCAL BOARD'S DENIAL OF DUE PROCESS ON APRIL 12,1976 AS THE BOARD TERMINATED OUR EMPLOYMENT.

WE APPEALED THE ADVERSE JUDGMENT FOR C.A.NO.77-6-N TO THE FIFTH CIRCUIT IN FORMA PAUPERIS AND THAT COURT ENTERED AN ORDER ON APRIL 17,1978 AFFIRMING THAT WE DID SIGN A MAJORITY OF THOSE 127 EXHIBITS ,BUT SINCE OUR FRAUDULENT ATTRIBUTED TESTIMONY DOES NOT SUPPORT THE APPELLANT COURT WE CONTINUED TO SEEK THE DUE ADMINISTRATION OF JUSTICE BY FILING C.A.NO.78-31-N & C.A.NO.78-47-N.

C.A.NO.78-31-N ALLEGED THAT THE APPELLANT COURT ERRED IN RULING THAT WE WERE AFFORDED DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION REVELANT TO THOSE 127 & 22 EXHIBITS,AND WE ALSO ALLEGED (2) THAT THE COMMISSION COMPILED THE HEARING RECORD OF THIS MATTER IN OUR ABSENCE.

C.A.NO.78-47-N ALLEGED THAT THE RECORD BEING COMPILED IN OUR - ABSENCE WAS THEREFORE A FRAUD.BUT A FEDERAL JUDGE HAD A PLAN TO - PREVENT US FROM SHOWING ANY ALLEGATION WITH HIS FRAUDULENT PROTECTIVE ORDER.CASE NO.C78-47-N ALSO ALLEGED THAT ATTORNEY GORDON CONSPIRED WITH LEWIS AND ABERNATHY NOT TO SHOW THE FEDERAL COURT EVIDENCE OF OUR ABSENCE AT THE TIME THE COMMISSION COMPILED THE HEARING RECORD AND SO GORDON STOLE FROM US A RETAINER FEE OF $ 1,500.00 AND TOOK SOME OF ABERNATHY'S PUBLIC TAX MONEY TO COVER UP EVIDENCE OF OUR ABSENCE.

DISTRICT COURT JUDGE,ALBERT J.HENDERSON,JR.,CONSPIRED WITH THE APPELLEES IN CASES NOS.C78-31-N & C78-47-N TO CONTROL THOSE TWO JUDGMENTS VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY OUR DUE PROCESS RIGHT TO FORCE PRODUCTION OF OUR SIGNATURES ON MOST OF THOSE 127 AND ALL OF THOSE 22 EXHIBITS

PLEASE BE ADVISE THAT OF COURSE THE EXAMINER GOT HIS 22 ADVERSE EXHIBITS FROM THOSE 127 ACCEPTED IN OUR ABSENCE,BUT SINCE HE CITED THOSE AS SUPPORT FOR HIS FINDINGS AND SINCE WE WERE NOT CONFRONTED WITH THOSE 22 SIGNATURES,THEN,THEY ARE SEPARATED TO SHOW A SECOND TERMINATION ON THE BASIS OF A SECOND CONSPIRACY,THE FIRST CONSPIRACY WAS UTILIZED BY LEWIS AND ABERNATHY ON APRIL 12,1976.

JUDGE HENDERSON ENTERED AN ORDER ON AUGUST 4,1978 IN WHICH HE FALSELY ALLEGED THAT HE HAD HELD A DISCOVERY CONFERENCE ON JULY 26, 1978 AT WHICH TIME AN ATTORNEY APPEARED TO PLEAD FOR OUR RIGHT TO COPIES OF THOSE 127 & 22 EXHIBITS/DOCUMENTS WHICH HENDERSON HAD RULED IN CASE NO.C77-6-N BEARED OUR SIGNATURES FOR THE MOST PART. NO LAWYER REPRESENTED US REVELANT TO CASES NOS.C78-31-N AND C78-47-N AND SO JUDGE HENDERSON KNOWINGLY ENTERED A FRAUDULENT P.O.ORDER DESIGNED TO CONTROL THOSE JUDGMENTS FOR THE APPELLEES.THUS,THIS COURT SHOULD KNOW WHY THE DISTRICT COURT WAS MADE A DEFENDANT IN CASE NO. C80-1236-A.

AFTER HENDERSON HAD STOLEN THOSE TWO JUDGMENTS,WE TRIED TO APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS,BUT AN EMPLOYEE OF THAT COURT,ONE,RICHARD E.WINDHORST,JR.,JUDICAL SUPPORT,DETERMINED THAT HE WOULD COVER UP FOR HENDERSON AND THE APPELLEES.

SO,MR.WINDHORST SENT TO US A FRAUDULENT COURT ORDER DEMANDING THAT WE PAY THE COURT THE COSTS FOR HAVING APPEALED IN FORMA PAUPER-IS CASE NO.C77-6-N BEFORE HE WOULD LET US EFFECT AN APPEAL FOR C.A. NO.78-31-N & C.A.NO.78-47-N. SINCE WE DID'NT OWE ANY MONEY MR.WINDHORST WAS GUILTY OF EXTORTION BY THE UNITED STATES MAIL.

MR.WINDHORST NEVER WOULD ADVISE US AS TO HOW MUCH HE WANTED US TO PAY AND BEFORE WE COULD GET CLEAR OF HIS SCHENE OUR 30 DAYS IN WHICH TO EFFECT AN APPEAL HAD EXPIRED.THEREFORE,THE APPELLEES PAID MR.WINDHORST FOR HIS CONSPIRACY,BUT WINDHORST WAS FIRED BY HIS EMPLOYER,THE FIFTH CIRCUIT COURT OF APPEALS.NO,WE DID NOT GET TO APPEAL ADVERSE JUDGMENTS FOR C.A.NO.78-31-N & C.A.NO.78-47-N,THANKS TO WINDHORST.

THUS,SINCE WE WERE DENIED THE RIGHT TO APPEAL,WE FILED C.A.NO. 79-106-N IN THE DISTRICT COURT ON DECEMBER 3,1979.

WE ALLEGED IN C.A.NO.79-106-N THAT (1) WE WERE THE VICTIM OF A FRAUDULENT P.O. DESIGNED TO DENY US A FAIR TRIAL,AND THAT (2) HENDERSON DENIED OUR RIGHT TO CALL WITNESSES FOR THE TRAVESTY ON JUSTICE ON NOVEMBER 20,1978,AND THAT (3) HENDERSON DENIED OUR DUE PROCESS OF RIGHT TO SHOW BY THE TRANSCRIPT EVIDENCE THAT WE WERE NOT PRESENCE WHEN THE COMMISSION COMPILED THAT HEARING RECORD TO SUPPORT THE -- LOCAL BOARD'S VIOLATION OF OUR DUE PROCESS RIGHT ON APRIL 12,1976, (4) HENDERSON RULED AT "TRIAL?" THAT THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER COULD NOT BE BROUGHT INTO THE TRIAL AND --- CHALLENGED AS A FRAUD.

WE STATED EARLIER THAT WE FILED A MOTION FOR SUMMARY JUDGMENT ON MARCH 4,1980 FOR C.A.NO.79-106-N AND THAT ON MARCH 5,1980 THE COURT ENTERED A RULE 68 ORDER REQUIRING THE APPELLES TO MAKE US AN OFFER OF CONSENT JUDGMENT.

BY MARCH 13,1980 FIVE OF THE DEFENDANTS IN CASE NO.C79-106-N HAD ONLY ACKNOWLEDGED OUR SUMMARY JUDGMENT MOTION BY "POKING FUN" AT ITS CONTENTS.

WELL,SINCE WE HAVE STATED THE HISTORY OF C.A.NO.79-106-N THIS COURT KNOWS THAT WE WERE CHEATED OUT OF SUMMARY JUDGMENT FOR C.A.NO. 79-106-N AND THAT THE COURT HAS NOT UNTIL THIS DAY VACATED,ALTERED, OR ADJUDICATED ITS RULE 68 ORDER FOR A CONSENT JUDGMENT FROM THE DEFENDANTS.NOT,ONLY DID JUDGE TIDWELL CHEAT US,HE THEN CONSPIRED TO COVER UP FOR HENDERSON AND THE DEFENDANTS BY ORDERING US TO FORGET THE MISCONDUCT OF HENDERSON AND THE DEFENDANTS REVELANT TO C.A.NO. 78-31-N & C.A.NO.78-47-N. HE CALLED HIS "COVER UP"AN INJUNCTIVE -- CLAUSE.

WE FILED A PROTEST MOTION WITH JUDGE TIDWELL ON APRIL 15 POINTING OUT THAT RULE 65(b) DID NOT AUTHORIZE HIM TO ATTACH A PERMANENT INJUNCTIVE CLAUSE TO HIS DISMISSAL ORDER FOR CASE NO.C79-106-N -- PRIOR TO HIS AFFORDING US A HEARING ON THE MERITS OF THAT COMPLAINT. TIDWELL RULED THAT OUR MOTION WAS WITHOUT MERIT.

WE THEN FILED IN MAY 1980 A MOTION IN THE FIFTH CIRCUIT COURT OF APPEALS FOR AN ORDER DIRECTING TIDWELL TO GRANT US A HEARING - BEFORE HIS INJUNCTIVE CLAUSE WAS CONSIDERED TO BE VALID.THE COURT OF APPEALS DENIED OUR MOTION EVEN THOUGH WE PROVED THAT TIDWELL HAD CHEATED US OUT OF SUMMARY JUDGMENT.THUS,THE DISTRICT COURT HAD A LICENSE TO CHEAT US ANY TIME IT SO DESIRED.

SINCE THE APPELLANT COURT WAS'NT IN THE MOOD TO AFFORD US DUE PROCESS,WE FILED,OR TRIED TO FILE C.A.NO.80-1236-A IN THE DISTRICT COURT.THE HISTORY OF C.A.NO.80-1236-A IS STATED FULLY ELSEWHERE AND WE SHALL NOT REPEAT.SUFFICE IT TO SAY THAT IF THE "ACT" OF OUR HAVING TRIED TO FILE C.A.NO.80-1236-A VIOLATED AN INJUNCTIVE CLAUSE - TACKED ON TO TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N ,THEN, JUDGE SHOOB SHOULD HAVE AFFORDED US A HEARING BEFORE HE DISMISSED C.A.NO.80-1236-A AND ORDERED THE MARSHAL NOT TO SERVE A COPY OF THAT COMPLAINT ON A DEFENDANT.ALSO,BE ADVISED THAT SHOOB ACCEPTED AN EX PARTE MOTION WHICH HE SOLICITED FROM A NON-DEFENDANT IN C.A.NO.80-1236-A IN WHICH THE MOTION ASKED SHOOB TO QUASH MARSHAL'S SERVICE ON C.A.NO.80-1236-A.

SHOOB FALSELY RULED THAT CASE NO.C80-1236-A CONTAINED 160 PAGES AND COULD NOT BE FILED BECAUSE IT DID NOT COMPLY WITH RULE 8. SHOOB ALSO FALSELY RULED THAT COMPLAINT NO.C80-1236-A COULD NOT BE FILED BECAUSE THE CHECK TO PAY THE FILING FEE WAS NOT PAYED BY THE BANK. JUDGE SHOOB RESORTED TO PERJURY AND CONSPIRACY TO VOID COMPLAINT NO. C80-1236-A.

IN SPITE OF THE FACT THAT TIDWELL TACKED ONTO A DISMISSAL ORDER A PERMANENT INJUNCTIVE CLAUSE IN CLEAR VIOLATION OF FRCP RULES 65 a)(1) AND 65(b) ,HE RULED THAT TRYING TO FILE C.A.NO.80-1236-A WAS CONTEMPTUOUS CONDUCT WHILE JUDGE SHOOB ORDERED THAT THAT ACTION NOT BE SERVED ON A DEFENDANT.

SO,AS STATED EARLIER,WE FILED FOUR MOTION IN AUGUST AND SEPTEMBER ASKING FOR COURT APPOINTED COUNSEL AND A CONTEMPT TRIAL,BUT THE DISTRICT COURT IS YET TO RESPOND TO THE FIRST OF THOSE FOUR MOTIONS.

THEREFORE,AS PREVIOUSLY STATED,WE APPEALED FOR A COURT APPOINTED ATTORNEY AND A CONTEMPT TRIAL WHICH THE APPELLANT COURT REFUSED TO GRANT.

AS A MATTER OF FACT, THE APPEALS COURT'S ORDER ENTERED ON OCTOBER 23,1980 DENIED OUR MOTION FOR A SIXTH AMENDMENT SPEEDY TRIAL, BUT THAT COURT IGNORED OUR PLEA FOR COURT APPOINTED COUNSEL.

THEREFORE, WE WENT BACK TO THE APPEALS COURT AND ASKED FOR A RULING ING ON OUR LEGAL RIGHT TO COURT APPOINTED COUNSEL, BUT THE COURT THEN RULED ON DECEMBER 29,1980 THAT IT LACKED JURISDICTION.

WE WENT BACK ASKING THE APPEALS COURT TO RULE ON OUR MOTION -- SINCE THE DISTRICT COURT HAD NOT RULED UPON THAT MOTION FOR COUNSEL AND THUS THERE WAS NO DATE BY WHICH TO SAY OUR APPEAL WAS NOT TIMELY FILED.

THE FIFTH CIRCUIT THEN ENTERED AN ORDER ON JANUARY 28,1981 IN - WHICH IT DIRECTED ITS CLERK NOT TO ACCEPT ANY MORE MOTIONS FROM US REVELANT TO THE CONTEMPT MATTER.

WE THEN FILED ON FEBRUARY 25,1981 NOTICE TO APPEAL TO THE UNITED STATES SUPREME COURT FOR A SPEEDY CONTEMPT TRIAL AND COURT APPOINTED COUNSEL ON THE CHARGE OF HAVING VIOLATED FEDERAL STATUTE NO.18 USC # 401, CONTEMPT. SINCE THE ORDER TO SHOW CAUSE WAS SERVED ON US NINE (9) MONTHS AGO IT IS NOW IMPOSSIBLE TO AFFORD US A SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BUT IT IS NOT TOO LATE TO AFFORD US A CONTEMPT TRIAL WITH COURT APPOINTED COUNSEL. UNDER NO SET OF CONDITIONS DO WE MOVE THIS COURT TO ORDER THE PENDING CONTEMPT CHARGES - AGAINST US VACATED. NO, WE WANT THE APPELLEES IN COURT IN A FAIR --- TRIAL WHICH WE WILL GET IF REPRESENTED BY COMPETENT COUNSEL.

APPELLANT ARGUES, INTER ALIA, THAT HE HAS BEEN DENIED DUE PROCESS AT EVERY STAGE OF THIS FIVE (5) YEAR OLD PROCEEDINGS BEGINNING ON APRIL 12,1976 WHEN THE LOCAL SCHOOL BOARD VOTHED IN THE ABSENCE OF DUE PROCESS, AND IN VIOLATION OF GA.CODE ANN.32-2101c,(b),(d)(e) AND # 32-2104 c(a)(1), WHICH GUARANTEES A TENURED TEACHER A HEARING PRIOR TO THE BOARD VOTING NOT TO ISSUE A"CONTRACT OF EMPLOYMENT" NOT TO RENEW APPELLANT'S "CONTRACT OF EMPLOYMENT"FOR SCHOOL YEAR 1976-1977, AND SINCE APRIL 12,1976 THE EVIDENCE PRESENTED HEREIN SHOWS THAT THE COMMISSION AND FEDERAL COURTS HAVE DENIED APPELLANT DUE PROCESS INCLUDING, BUT NOT LIMITED TO, BY MEANS OF A FRAUDULENT P.O. FALSELY - ALLEGING THAT OUR DUE PROCESS RIGHTS WERE PROTECTED BY AN ATTORNEY REVELANT TO THIS FIVE YEAR (5) YEAR OLD PROCEEDING. THEREFORE, THE FEDERAL COURTS HAVE DENIED APPELLANT BOTH DUE PROCESS AND EQUAL PROTECTION.

FINALLY,APPELLANT ARGUES THAT WHEN DISTRICT COURT JUDGE ROBERT VINING CERTIFIED THE PERJURY TO THE FIFTH CIRCUIT THAT OUR MOVE FOR A TRIAL WAS NOT TAKEN IN GOOD FAITH IN THAT,ACCORDING TO VINING'S PERJURY HE HAD OFFERED US A CONTEMPT TRIAL ON SEPTEMBER 3,1980 BUT, LIED VINING,WE FAILED TO APPEAR,HE IS GUILTY OF CONSPIRING WITH THE APPELLEES ON THE GROUND THAT WHEN JOHN DOE LIES FOR BILL SMITH DOE IS GUILTY OF CONSPIRING WITH SMITH AGAINST A THIRD PARTY. THE COURT WILL FIND IN THE APPENDIX AN ORDER WHICH VINING ENTERED CANCELING THE CONTEMPT HEARING WHICH HE FALSELY CERTIFIED WE DID NOT SHOW UP AS ORDERED.

STATEMENT OF REASONS

THE BASIS OF GA.SCHOOL CODES ANN.# 32-662a,b AND # 32-2101c,(a)(b)(d)(e) AND # 32-2104c(a)(1) IS AN ATTEMPT BY THE STATE GENERAL ASSEMBLY TO OFFER TEACHERS JOB PROTECTION AFTER THREE YEARS OF -- SATISFACTORY SERVICE AND THUS ABERNATHY AND HIS LAWYER SHOULD NOT BE ALLOWED TO DEFEAT THE INTENT OF THE JOB PROTECTION LAWS BY A -- CONSPIRACY WHICH INCLUDED MANUFACTURED EVIDENCE BEARING OUR SIGNATURS WHICH WE ARE YET TO SEE FIVE YEARS AFTER THE FACT.

SINCE THE STATE LEGISLATURE DETERMINED THAT A TEACHER WITH THREE YEARS OF SATISFACTORY SERVICE WITH THE SAME LOCAL SCHOOL BOARD HAD EARNED THE RIGHT OF TENURE AND PROTECTION FROM LOSS OF JOB BY SOME VINDICTIVE SCHOOL PRINCIPAL OR SCHOOL SUPERINTENDENT PRIOR TO A -- NOTICED HEARING,THEN ABERNATHY AND LEWIS SHOULD NOT BE ALLOWED BY THIS COURT TO MAINTAIN THE TERMINATION OF OUR EMPLOYMENT ACCOMPLISHED BY A CONSPIRACY WITH MANUFACTURED EVIDENCE FOR IF THEY ARE SO -- ALLOWED TO USURP THE LAW THEN NO TEACHER'S JOB PROTECTION RIGHTS IN ABERNATHY'S SCHOOL SYSTEM HAS THE PROTECTION OF INTENDED LAWS.

IT WOULD BE MOST UNUSUAL FOR A SCHOOL SUPT.TO BE ABLE TO GATHER ENOUGH VALID & FACTUAL EVIDENCE IN ONE NINE MONTHS SCHOOL YEAR TO WARRANT TERMINATING THE EMPLOYMENT OF A TEACHER WITH 30 YEARS OF - SERVICE WITH THE SAME LOCAL SCHOOL BOARD.WHY HAD'NT ABERNATHY BEEN ABLE TO WARRANT TERMINATING OUR EMPLOYMENT BEFORE WE ADVISED HIM - THAT HIS AFFAIR WITH OUR FORMER WIFE WOULD HAVE TO CEASE.SHE RESIGNED FROM ABERNATHY'S EMPLOYMENT AND LEFT TOWN AND WE WERE FIRED IN THE SAME SCHOOL YEAR THAT WE MADE THAT AFFAIR AN ISSUE.

ABERNATHY AND LEWIS PROVED BY SEEKING A SECRET HEARING BY THE - COMMISSION THAT THEY LACKED THE EVIDENCE TO TERMINATE OUR EMPLOY-- MENT IN A SIXTH AMENDMENT PUBLIC,FAIR HEARING WHEN WE COULD BE REPRESENTED BY COUNSEL.IF WE CAN CONVINCE THIS COURT THAT WE WERE -- TERMINATED BY THE LOCAL BOARD ON APRIL 12,1976 VIA A CONSPIRACY IN SUCH MANNER THAT DEPRIVED US OF DUE PROCESS THEN IT MAKES NO DIFFERENCE THAT THE DENIAL OF DUE PROCESS WAS FIVE YEARS AGO BECAUSE A JUDGMENT OBTAINED VIA CONSPIRACY CANNOT STAND.IT IS ALSO TRUE THAT THIS COURT HAS JURISDICTION PURSUANT TO 28 USC # 1252 TO REVIEW -- THIS ENTIRE PROCEEDING STARTING WITH APRIL 12,1976 TERMINATION OF EMPLOYMENT.

ONE REASON WHY THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER BEING A FRAUD IS THAT IT WAS FRAUDULENTLY DESIGNED TO SHOW THE PRESENCE OF A COMMISSION HEARING PANEL,BUT A REVIEW OF THE RECORD SHOWS THAT NO HEARING PANEL WAS PRESENT WHEN THE COMMISSION COMPILED THE HEARING RECORD. TO WIT: SCHOOL BOARD ATTORNEY,LEWIS, IS DEPICTED ON TRANSCRIPT PAGE 11"SPEAKING" TO A HEARING PANEL AS HE PROMISES THEM THAT HE WILL USE DOCUMENTS "THROUGHOUT THE CROSS-EXAMINATION" OF MR.PATTERSON AND THAT HE WILL SHARE COPIES OF EACH DOCUMENT SO --- THAT --- THE PANEL CAN FOLLOW HIS CROSS-EXAMINATION OF THE APPELLANT.

MR.LEWIS DID NOT USE DOCUMENTS THROUGHOUT OUR FRAUDULENTLY --ATTRIBUTED TESTIMONY,AND IN FACT,THE RECORD REVEALS THAT HE CONFRONTED US WITH ONLY TWO DOCUMENTS WHICH HE CAN PRODUCE FROM THE COURT'S COPY OF THIS RECORD.WHY DID'NT LEWIS HONOR HIS PROMISE TO THE HEARING PANEL?

WELL,YOUR HONOR,HE STATED THAT THE PANEL WOULD SEE ONLY THE DOCUMENTS WHICH HE UTILIZED TO CROSS-EXAMINE US AND SINCE HE DID NOT CONFRONT US,EVEN WITH THE TWO DOCUMENTS SHOWN IN OUR ATTRIBUTED TESTIMONY,THEN LEWIS COULD'NT SHARE WITH THE PANEL BECAUSE NEITHER OF US WAS PRESENT AT THE TIME THE RECORD WAS COMPILED.

THEREFORE,SINCE LEWIS DID NOT CONFRONT US AS HE PROMISED WE COULD HAVE SHOWN IN JUDGE HENDERSON'S COURT THAT WE WERE ABSENT, BUT HENDERSON RULED THAT WE COULD NOT HAVE ACCESS TO THE HEARING RECORD AT "TRIAL?" FOR C.A.NO.78-31-N & C.A.NO.78-47-N AND THAT IS REASON ENOUGH FOR THIS COURT TO GRANT US RELIEF.

IN THIS CASE,APPELLANT HAS BEEN DENIED DUE PROCESS AT EVERY STEP OF THE LONG FIVE YEAR PROCEEDINGS AND HIS RIGHT TO A FAIR - TRIAL IN HENDERSON'S COURT WAS DENIED BY A CONSPIRACY BETWEEN THE COURT AND APPELLEES IN WHICH HENDERSON SHOWED THAT HE KNEW FROM A REVIEW OF THE RECORD THAT IF HE AFFORDED US DUE PROCESS REVELANT TO DISCOVERY RIGHTS THAT WE COULD TAKE THE JUDGMENTS FOR BOTH C.A.NO. 78-31-N & C.A.NO.78-47-N AND IN THAT CASE NINE PEOPLE WOULD HAVE BEEN INDICTED FOR CONSPIRACY,FRAUD AND BRIBERY,NOT TO MENTION SUBORNED PERJURY.THUS,THIS COURT SHOULD DEMONSTRATE TO THE APPELLEES THAT THEY CAN NOT TAKE A PERSON'S JOB BY FRAUDULENTLY USING THE FEDERAL COURTS AND THAT'S REASON ENOUGH TO GRANT US RELIEF.

WE ARE ENTITLED TO RELIEF BY REASON OF THE FACT THAT ABERNATHY, LEWIS AND COMMISSION OFFICERS SHOULD BE MADE AWARE OF THE FACT THAT THE COMMISSION CAN NOT GO"OVER THE STATE OF GEORGIA"FIRING ANY --- TEACHER WHO HAS A PROBLEM WITH A VINDICTIVE SUPERINTENDENT.

ABERNATHY,LEWIS AND COMMISSION OFFICERS SHOULD BE MADE AWARE OF THE FACT THAT THEY CANNOT MAINTAIN JUDGMENTS STOLEN BY A FRAUDULENT PROTECTIVE ORDER BY GOING TO THE FIFTH CIRCUIT COURT OF APPEALS AND ENTICING WINDHORST TO PREVENT US FROM EFFECTING AN APPEAL OF THOSE STOLEN JUDGMENTS AND WINDHORST'S FRAUDULENT CONDUCT IS REASON ENOUGH TO GRANT THIS APPELLANT RELIEF.

A FEDERAL JUDGE IS REQUIRED TO BE NEUTRAL. HOWER,JUDGE TIDWELL'S DISMISSAL ORDER FOR C.A.NO.79-106-N WITH AN INJUNCTIVE CLAUSE TACKED ONTO IT ALLEGING THAT ALL CLAIMS IN THAT ACTION HAD BEEN ADJUDICATED IN HENDERSON'S COURT WAS AN ORDER FROM A DISHONEST JUDGE WHOSE ONLY INTEREST WAS IN COVERING UP FOR HENDERSON AND THE APPELLEES.IT MUST BE NOTED AS A REASON FOR RELIEF THAT TIDWELL DID NOT DISMISS OUR --- ACTION BEFORE HE HAD ENTERED AN ORDER FOR A CONSENT JUDGMENT AND NOT BEFORE HE WAS FULLY AWARE OF THE FACT THAT THE APPELLEES COULD NOT CONTROVERT OUR MOTION FOR SUMMARY JUDGMENT. "DUE PROCESS CLAUSE REQUIRES THAT COURT BE IMPARTIAL"[PER WINTER,CIRCUIT JUDGE,WITH ONE JUDGE CONCURRING IN PART"] U.S.V.KARNES (C.A.VA.1978) 531 F.2D 214.

IT IS SUBMITTED THAT THE ONLY REASON WHY THE DISTRICT COURT REFUSES US A CONTEMPT TRIAL IS THAT THE COURT KNOWS THAT WE CAN SHOW THAT THE UNDERLYING ORDER,NO.C79-106-N,IS A FRAUD,AND IN THAT CASE WE ARE THEN ENTITLED TO BE COMPENSATED BY THE APPELLEES. "JUDGMENT OF CIVIL CONTEMPT,BEING REMEDIAL IN NATURE,STANDS OR FALLS WITH - VALIDITY OR INVALIDITY OF ORDER,AND OPPOSING PARTY (WHICH WAS TRIED VIA C.A.NO.80-1236-A) SHOULD BE COMPENSATED ONLY IF HE WAS ENTITLED TO THE ORDER" LEWIS V.S.S.BAUNE,(C.A.LA.1976) 534 F.2D 1115.

THUS,THE REASON WHY WE ARE DENIED A CONTEMPT TRIAL IS BECAUSE THE COURT KNOWS THAT WE CAN SHOW THAT WE WERE ENTITLED TO BOTH SUMMARY AND CONSENT JUDGMENT AND THAT THE INJUNCTIVE CLAUSE TACKED ONTO THE ORDER FOR CASE NO.C79-106-N WILL NOT STAND THE TEST REQUIRED BY PROVISIONS OF FRCP RULE 65(a)(1) & 65(b). THUS,THE FACT THAT TIDWELL CHEATED US IS REASON ENOUGH FOR THIS COURT TO GRANT US RELIEF.

THEREFORE,THE FACT OF THE MATTER IS THAT THE COURT DENIES US A DUE PROCESS HEARING,THE APPELLATE COURT TOO, IN ORDER TO PROTECT THE COURT AND APPLLEES FROM HAVING TO COMPENSATE US FOR THEIR HAVING STOLEN THE JUDGMENTS FOR C.A.NO.78-31-N,C.A.NO.78-47-N & C.A.NO. 79-106-N.

THE COURT HAS THE POWER UNDER 28 USC # 1651(a) TO ORDER THE COURT TO GRANT US THE JUDGMENTS FOR SEVERAL CASES, BUT OUR REASON FOR --- APPEALLING TO THIS COURT IS TO SEEK A PUBLIC HEARING IN ORDER THAT THE COMMISSION'S CONSPIRACY WITH LEWIS, ABERNATHY, FRANKEL AND GORDON WILL FINALLY BE EXPOSED. "AS A GENERAL RULE, RIGHT TO A PUBLIC TRIAL, TAKEN TOGETHER WITH RIGHT TO DUE PROCESS, INCLUDES A RIGHT OF BOTH DEFENDANTS AND THEIR COUNSEL TO BE PRESENT AT ALL STAGES OF TRIAL FROM ARRAIGMENT TO VERDICT AND DISCHARGE OF JURY." AMENDS. 5,6-POLIZZI V.U.S. (C.A.CAL.1976) 550 F.2D 1133.

SINCE WE WERE NOT PRESENT ON APRIL 12,1976 OR LATER WHEN THE - COMMISSION COMPILED ITS HEARING RECORD REVELANT TO THIS MATTER AND - SINCE JUDGES HENDERSON AND TIDWELL CHEATED US OUT OF JUDGMENTS WHICH WE WERE RIGHTFULLY DUE, WE ARE ENTITLED TO A DUE PROCESS HEARING - WITH COUNSEL BEFORE A JURY AND THAT REASON HAS BEEN AMONG OTHER --- REASONS WHICH BROUGHT THIS MATTER BEFORE THIS COURT. WHY A JURY? BECAUSE EVERY JUDGE ON THE BENCH OF THE FIFTH CIRCUIT AND THE DISTRICT COURT ARE DEICATED TO COVERING UP FOR HENDERSON, THE COURT AND OTHER APPELLEES.

THEREFORE, WE FURTHER SUBMIT THAT DISTRICT COURT JUDGE VINING - CAN'T PROTECT THE APPELLEES FROM BEING SUED FOR HAVING FILED FRAUDULENT CONTEMPT CHARGES AGAINST US BY PROVISIONS OF 28 USC # 1651(a) AS HE CLAIMS BY HIS ORDER ENTERED ON OCTOBER 2,1980 AND WE MOVE THIS COURT TO SO RULE.

WHEREFORE, THE APPELLANT HAS BEEN FORCED TO FIGHT DEPRIVATION OF HIS CIVIL RIGHTS SINCE APRIL 12,1976 WITHOUT REPRESENTATION BY LEGAL COUNSEL BECAUSE LOSS OF HIS EMPLOYMENT LEFT SUCH A BAD STIGMA -- ATTACHED TO HIS REPUTATION UNTIL THE JOB MARKET HAS BEEN CLOSED TO HIM SINCE JUNE 1976. NOT MANY PEOPLE ARE CHARGED WITH "LYING UNDER OATH" WHEN HE/SHE WAS NOT EVEN PRESENT TO HAVE LIED UNDER OATH. NO EMPLOYER WILL KNOWINGLY EMPLOY A PERSON PUBLICLY BRANDED AS A CONVICTED LIAR UNDER OATH. THUS, THIS COURT SHOULD RESTORE OUR CIVIL -- RIGHTS AND WITH THEM THE RIGHT TO BE EMPLOYED.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
]404] 882-8533

CONCLUSIONS

APPELLANT IS ENTITLED TO COURT APPOINTED COUNSEL AND A "SPEEDY" FULL, IMPARTIAL JURY TRIAL ON THE ORDER ENTERED ON AUGUST 7,1980 REQUIRING HIM TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CONTEMPT FOR HAVING ALLEGEDLY VIOLATING THE INJUNCTIVE CLAUSE TACKED ONTO DISMISSAL ORDER NO.C79-106-N IN VIOLATION OF DUE PROCESS MANDATED BY FED R CIV P RULES # # 65(a)(1) & 65(b);AND (2) APPELLANT IS ENTITLED TO A PUBLIC JURY TRIAL IN WHICH HE IS AFFORDED THE DUE PROCESS RIGHT TO MEET AND REBUT THE EVIDENCE WHICH LEWIS AND ABERNATHY - MANUFACTURED AND THEN FORGED OUR SIGNATURES THEREON AND THEN USED IT TO INFLUENCE THE TROUP COUNTY, LAGRANGE, GA., BD.OF EDUCATION, TO TERMINATE OUR EMPLOYMENT ON APRIL 12,1976 IN OUR ABSENCE, AND WHICH THEY LATER PRESENTED TO THE COMMISSION AT THE JULY 1976 SECRET HEARING HELD BY THE COMMISSION TO COMPILE A HEARING RECORD THAT WOULD SUPPORT THE LOCAL BOARD'S VIOLATION OF OUR DUE PROCESS RIGHTS ON - APRIL 12,1976.THUS BY CONSPIRACY APPELLANT'S EMPLOYMENT WAS TERMINATED ON APRIL 12,1976 BY ABERNATHY'S AND LEWIS' FRAUDULENT IN--- FLUENCE OVER THE LOCAL BOARD AND BY SEVERAL CONSPIRACIES SINCE APRIL 12,1976 THEY HAVE HELD ONTO THEIR THEFT OF OUR EMPLOYMENT AFTER THIRTY YEARS SERVICE WITH THE TROUP COUNTY SCHOOL BOARD. FOR RIGHT TO JURY TRIAL, SEE, CURTIS V.LOETHER (1974) 415 US 189; SIMLER V.CONNER (1963) 372 US 221,83 SCT 609,9 LE2D 691 ; PERNELL V.SOUTHALL REALTY (1974) 416 US 363,375,94 SCT 1723,40 LE2D 198.

APPELLANT RESPECTFULLY MOVES THIS COURT TO ENTER AN ORDER GRANTING HIM A JURY TRIAL WITH COUNSEL ON THE MERITS OF C.A.NO.79-106-N AND C.A.NO.80-1236-A, AND ON THE MERITS OF THE PENDING SHOW CAUSE-- ORDER.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON, PRO SE
1004 VERON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 5/13/81 .

AUTHORITIES

GEORGIA SCHOOL CODE ANN.# 32-662a(b) STATES VERBATIM: "ANY OTHER PROVISIONS OF THIS CHAPTER OR ANY OTHER LAWS TO THE CONTRARY NOT - WITHSTANDING, LOCAL BOARDS OF EDUCATION SHALL TENDER A NEW CONTRACT OF EMPLOYMENT FOR THE ENSUING SCHOOL YEAR TO EVERY TEACHER ON THE PAYROLL OF THE LOCAL SCHOOL SYSTEM AT THE BEGINNING OF THE PRECED-ING SCHOOL YEAR, --- EXCEPT --- TEACHERS WHO HAVE RESIGNED OR WHO-- HAVE BEEN TERMINATED --- BY APRIL 15 --- OF EACH YEAR--- OR --- NOTIFY --- ANY SUCH TEACHER THAT THEY ARE NOT GOING TO REHIRE HIM --- FOR THE ENSUING SCHOOL YEAR." "THE NOTIFICATION SHALL BE IN -- WRITING."

THEREFORE, WE SUBMIT TO THIS COURT THAT SUPT. ABERNATHY TENDERED TO US A HAND DELIVERED LETTER BY A THIRD PARTY DATED APRIL 13,1976 IN WHICH HE STATED VERBATIM: "YOUR CONTRACT OF EMPLOYMENT FOR SCHOOL YEAR 1976-1977 HAS NOT BEEN RENEWED." PERIOD.

WE FURTHER SUBMIT THAT ABERNATHY AND LEWIS CONSPIRED TO TERMINATE OUR EMPLYMENT IN THE ABSENCE OF DUE PROCESS IN THAT WE WERE NOT AF-FORDED A HEARING BEFORE THE BOARD COMPLIED WITH THE ABOVE LAW AND VOTED PRIOR TO APRIL 15,1976 NOT TO "REHIRE HIM FOR THE ENSUING - SCHOOL YEAR." THEY THEN INFLUENCE ATTORNEY FRANKEL AND THE COMMISSION OFFICERS TO HOLD A SECRET HEARING AND SUPPORT THE BOARD'S VIOLATION OF OUR DUE PROCESS RIGHTS. ABERNATHY HAD ABOUT AS MUCH CHANCE OF -- FIRING US IF PRESENT AS A SNOW-BALL HAS IN H---.

"THE SUPREME COURT'S JURISDICTION UNDER 28 USC # 1252 DOES NOT DEPEND ON WHETHER THE LOWER COURT HAD JURISDICTION, SINCE AN APPEAL UNDER # 1252 BRINGS THE ENTIRE MATTER BEFORE THE SUPREME COURT AND NOT ONLY THE CONSTITUTIONAL QUESTIONS." MCLUCAS V. DECHAMPLAIN (1975) 421 US 21,95 SCT 1365,43 LE2D 699. THUS, WE HAVE PRESENTED THE COM-PLETE HISTORY OF THIS MATTER FOR A REVIEW BY THIS COURT.

GA. SCHOOL CODE ANN.# 32-2101c(b)-NOTICE- PROVIDES THAT: "BEFORE-BEFORE, BEFORE, THE DISCHARGE OR SUSPENSION OF A TEACHER, PRINCIPAL OR OTHER EMPLOYEE HAVING A CONTRACT OF EMPLOYMENT FOR A DEFINITE TERM, WRITTEN-WRITTEN NOTICE OF THE CHARGES SHALL BE GIVEN AT LEAST TEN (10) DAYS SET BEFORE-BEFORE THE DATE SET FOR--- HEARING, AND SHALL STATE:"

WE SUBMIT TO THIS COURT THAT ABERNATHY AND LEWIS INFLUENCED THE LOCAL BOARD TO VIOLATE OUR DUE PROCESS RIGHTS CITED IN "NOTICE" A-BOVE IN THAT "NOTICE" REQUIRED THE LOCAL BOARD TO AFFORD US A HEARING "BEFORE"--"BEFORE" IT VOTED ON APRIL 12,1976 NOT TO RENEW OUR CON-TRACT OF EMPLOYMENT "FOR THE ENSUING SCHOOL YEAR." IT IS CLEAR THAT CODE # 32-662a(b) CITED ABOVE MANDATED THAT THE BOARD EITHER HAD TO TENDER US A NEW CONTRACT OF EMPLOYMENT OR ADVISE IN WRITING BY AP-RIL 15,1976 THAT WE WERE NOT REHIRED FOR THE "ENSUING SCHOOL YEAR."

THE FEDERAL APPELLANT COURTS HAVE HELD THAT: "CONSTITUTIONAL DUE PROCESS REQUIRES THAT A PERSON BE GIVEN A HEARING WHEN THE GOVERNMENT SEEKS TO TERMINATE THAT PERSON'S PROTECTED INTEREST IN EITHER "LIBERTY" OR "PROPERTY";BUT OUR "PROPERTY"WAS TAKEN BY A COUNTY GOVERNAMENTAL AGENCY ON APRIL 12,1976 IN THE ABSENCE OF REQUIRED - DUE PROCESS.SEE,ONG V.TOVEY,(C.A.CAL.1977) 552 F.2D 305.

"DUE PROCESS CLAUSE REQUIRES --- HEARING --- BEFORE CANCELLATION OF EXISTING "PROPERTY"INTEREST", BUT ABERNATHY AND LEWIS CONSPIRED TO DENY US A "HEARING"BEFORE THEY INFLUENCED THE LOCAL SCHOOL BOARD TO TERMINATE OUR "EXISTING PROPERTY INTEREST" AND THEN THEY CONTINUED THEIR CONSPIRACY BY INFLUENCING THE STATE COMMISSION NOT TO LET US BE PRESENT WHEN IT COMPILED A FIRING RECORD FOR ABERNATHY AND -- LEWIS.YOU SEE,YOUR HONOR,IF THE COMMSSION HAD NOT APPROVED THE LOCAL BOARD'S VIOLATION OF OUR DUE PROCESS RIGHTS ,THEN,ABERNATHY WAS IN- "HOT WATER"WITH HIS BOARD.PAN AMERICAN AIRWAYS V.MARSHALL(D.C.N.Y.) U.S.C.A.CONST.AMEND.14- 439 F.SUPP.487.

"ALTHOUGH EMPLOYER MAY BE ENTITLED TO DISCHARGE EMPLOYEE FOR ANY REASON,DUE PROCESS REQUIRES HEARING WHERE EMPLOYER STIGMATIZES PERSON AS MENTAL ILL,FRAUDULENT,OR UNTRUTHFUL" ABERNATHY TOLD HIS BOARD THAT WE WERE SO MENTALLY ILL UNTIL WE COULD NOT FUNCTION ON ANY JOB WITH THE LOCAL SCHOOL BOARD.HE ALSO MADE THE WRITTEN CHARGE THAT WE WERE FRAUDULENT,NOT TRUSTWORTHY, AND WAS GENERALLY DISHONEST" HE -- MADE ALL OF THOSE DETERMINATION IN SCHOOL YEAR 1975-1976 BECAUSE BEFOR THAT SCHOOL YEAR THERE WAS NO COMPLAINT IN OUR PERSONNEL FILE FROM EITHER ABERNATHY OR THE BOARD. SEE,OSMER V.MOILES,(D.C.MICH.1975)U.S.C.A.CONST.AMEND.14-42 U.S.CA.# 1983-409 F.SUPP.675.

"WHERE EMPLOYMENT DISCHARGE DEPRIVES EMPLOYEE OF INTEREST IN LIBERTY BECAUSE DISCHARGE IMPOSES UPON EMPLOYEE STIGMA WHICH FORECLOSES FUTURE EMPLOYMENT OPPORTUNITIES,EMPLOYEE,TO MEET DUE PROCESS, MUST BE ACCORDED HEARING WITH PROCEDURAL rights AND PROTECTION"SEE,GIORDANO V.ROUDEBUSH,(C.A.IOWA 1971) U.S.C.A.CONST.AMENDS.5-14- 448 F.SUPP. 899. WHEN ABERNATHY IS "YOUR LAST EMPLOYER"THEN ONE CAN UNDERSTAND WHY THE JOB MARKET HAS BEEN CLOSED TO US SINCE JUNE 1976.EVEN THE LT.GOVERNOR OF GEORGIA COULD'NT GET US A JOB BECAUSE OF ABERNATHY BEING OUR "LAST EMPLOYER"

"TRUTH OR FALSITY OF CHARGES MADE IN CONNECTION WITH DISCHARGE OF --- NONTENURED TEACHER --- IS NOT SOLE DETERMINANT OF EMPLOYEE'S RIGHT TO DUE PROCESS HEARING,EMPLOYEE'S RIGHT TO RELIEF FOR ------ --- DENIAL OF PRETERMINATION HEARING --- DEPENDS ON WHETHER BOARD'S REASONS FOR HIS NONRENEWAL REFLECTED ON OR IMPARED EMPLOYEE'S -- GOOD NAME,REPUTATION,HONOR,OR INTEGRITY;WHETHER REASONS WERE MADE PUBLIC; AND WHETHER EMPLOYEE ALLEGED THAT SUCH REASONS WERE SUB-- STANTIALLY FALSE OR INACCURATE" SEE,LOVE V.SESSIONS,(C.A.GA.1978) 568 F.2D 357. SUFFICE IT TO SAY THAT ABERNATHY AND THE COMMISSION PUBLICLY DESTROYED US.THEY DROVE US INTO A LONG PERIOD OF DEPRESSION REQUIRING WEEKLY VISITS TO OUR PSYCHIATRIST.THE DROVE UN INTO BANKRUPTCY. ABERNATHY ALSO DESTROYED A 28 YER OLD MARRIAGE.SO,THE CITED AUTHORITY "COVERED"OUR SITUATION"AFTER ABERNATHY"

25. ABERNATHY WENT TO THE NEWS MEDIA WITH HIS INSULTING CHARGES AGAINST US AND THAT MADE US A BECUSE.

"PERSON MAY NOT BE DEPRIVED OF HIS PROPERTY OR INTEREST BY - STATE OR ITS OFFICALS WITHOUT FUNDAMENTALS OF PROCEDURAL DUE PROCESS, INCLUDING A HEARING BEFORE AN IMPARTIAL DECISION MAKER AFTER NOTICE OF CHARGES AND WITH AN OPPORTUNITY TO PRESENT HIS OWN CASE." SEE, SCHRANK V. BLISS, (D.C.FLA.1976) 412 F.SUPP.28.

WELL, SIR, THE GA. PROFESSIONAL PRACTICES COMMISSION IS AN AGENCY OF THE STATE OF GEORGIA GOVERNMENT AND THE COMMISSION MUST DEFINITELY TOOK MY JOB BY HOLDING A SECRET HEARING TO AFFIRM THE LOCAL BOARD'S THEFT OF MY "PROPERTY" RIGHT ON APRIL 12, 1976. IN THE FIRST INSTANCE, THE TROUP COUNTY BOARD OF EDUCATION RECEIVES AND SPENDS STATE MONEY AND SO THE "BOARD" IS AN AGENCY OF THE STATE GOVERNMENT.

"RIGHT OF MOVANT DEFENDANT TO SUBPOENA WITNESSES AFFORDED BY RULE RESTS ULTIMATELY ON SIXTH AMENDMENT GUARANTEE OF COMPULSORY PROCESS; ADDITIONALLY THE RIGHT IS A FUNDAMENTAL ELEMENT OF DUE PROCESS" U.S. C.A. CONST. AMEND. 6- THOR V.U.S. (C.A.TEX.1978) 574 F.2D 215.

SO, WHEN JUDGE HENDERSON RULED THAT WE COULD NOT SUBPOENA THE - THE THREE PARTIES WHOM COMMISSION OFFICERS CLAIMED WERE PRESENT WHEN IT COMPILED THE RECORD OF THIS MATTER, HE FURTHER DENIED US DUE PROCESS WITH CASES NOS. C78-31-N & C78-47-N. WE INTENDED TO PROVE BY THE TESTIMONY OF THOSE THREE PERSON THAT NEITHER THEY OR WE WERE PRESENT WHEN THE COMMISSION COMPILED ITS HEARING RECORD REVELANT TO THIS - MATTER. THUS, NOT ONLY DID HENDERSON CHEATE US WITH A FRAUDULENT PROTECTIVE ORDER HE MADE IT IMPOSSIBLE FOR US TO PRESENT OUR CASE. "RIGHT TO ADEQUATELY PREPARE DEFENSE (CASE) IS A FUNDAMENTAL ELEMENT OF DUE PROCESS" SEE, CURRY V. ESTELLE (D.C.TEX.1975) U.S.C.A.CONST. AMEND. 5-14- 412 F.SUPP.198-AFFIRMED 531 F.2D 1260.

WHY DO YOU SUPPOSE THAT FEDERAL JUDGE HENDERSON CONSPIRED TO DENY OUR DISCOVERY RIGHTS AND RIGHT TO CALL WITNESSES? THE ANSWER IS VERY SIMPLE. HE KNEW IF AFFORDED THOSE DUE PROCESS RIGHTS THAT WE COULD - SHOW THAT WE WERE ABSENT WHEN THE COMMISSION COMPILED THE HEARING RECORD REVLANT TO THIS MATTER. NEITHER DID HE WANT TO SEE ABERNATHY AND STATE OFFICERS FOUND GUILTY OF CONSPIRACY, FRAUD AND BRIBERY.

"SIXTH AMENDMENT RIGHT TO COUNSEL RUNS EITHER DIRECTLY AGAINST THE FEDERAL GOVERNMENT OR INDIRECTLY AGAINST A STATE GOVERNMENT VIA THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT" U.S.V.CHILDS U.S.C.A.CONST.AMEND.6-(C.A.FLA.1977) 571 F.2D 315. IT IS A FACT THAT OUR RIGHT TO COUNSEL HAS BEEN DENIED FOR FIVE YEARS, BUT SINCE AUGUST 7, 1980 WHEN THE COURT ORDERED US TO SHOW WHY WE WERE NOT IN GUILTY OF CONTEMPT THE DISTRICT AND APPELLATE COURTS HAVE REFUSED TO ENTER A RULING ON OUR MOTION FOR COUNSEL. THUS, WE COME BEFORE THIS COURT - SEEKING THE RELIEF OF COURT APPOINTED COMPETENT COUNSEL.

"CIVIL CONTEMPT IS ESTABLISHED ONLY WHEN IT IS PROVED BY CLEAR & CONVINCING EVIDENCE THAT THERE IS A VALID ORDER AND THAT SUCH ORDER WAS VIOLATED" C.A.NO.79-106-N IS NOT A "VALID ORDER" FOR THE REASONS THAT JUDGE TIDWELL CHEATED US OUT OF OUR RIGHT TO SUMMARY JUDGMENT AND CONSENT JUDGMENT WITH THAT ACTION. SEE, U.S.V.AMERICAN SOC.CIVIL ENG. (D.C.N.Y.1977) 446 F.SUPP.803.

ADDENDUM-ADDENDUM

IN ORDER THAT THIS COURT MAY KNOW THE FRAUDULENT CONDUCT OF THE DEFENDANTS,WE OFFER THIS CONCISE DESCRIPTION OF EACH.

1. JEFFERY SMITH WROTE THE UNSIGNED FRAUDULENT PROTECTIVE ORDER WHICH IS ATTACHED AND THE SECOND COPY OF THAT FRAUD SHOWS THAT JUDGE HENDERSON SIGNED IT.PLEASE NOTE THE PERJURY THAT WE WERE REPRESENTED BY LEGAL COUNSEL WHICH HENDERSON'S SIGNATURE WAS AFFIXED TO

2. WILLIAM HOFFMAN CONSPIRED WITH JUDGE SHOOB TO GET C.A.NO.80-1236-A QUASHED BY MRANS OF AN EX PARTE MOTION IN WHICH HOFFMAN ASKED JUDGE SHOOB TO NOT LET THAT COMPLAINT BE SERVED-AND SO IT WAS NOT. SINCE IT WAS NOT SERVED ON A SINGLE DEFENDANT THEN HOW DID HOFFMAN LEARN THAT WE WERE TRYING TO FILE C.A.NO.80-1236-A UNLESS SHOOB INFORMED HIM? HOFFMAN ALSO MOVED THE COURT TO CITE US FOR CONTEMPT.

3. WE HAVE ALREADY ACCOUNTED FOR THE FRAUDULENT CONDUCT OF GORDON AND FRANKEL,ABERNATHY AND LEWIS.

4. RALPH JOHNSON IS ABERNATHY'S "BOSOM BUDDY AND A SCHOOL PRINCIPAL AND THE SECRETLY COMPILED HEARING RECORD SHOWS THAT JOHNSON TESTIFIED FALSELY AGAINST ME AND PRESENTED EXHIBITS ADVERSELY TO MY RIGHT TO DUE PROCESS.

5. LET US ALSO STATE THAT HOFFMAN ALSO FILED WHAT HE KNEW TO BE - FRAUDULENT CONTEMPT CHARGES AGAINST US THEN WENT TO WORK TO PREVENT US FROM BEING BROUGHT TO TRIAL ON HIS FRAUDULENT CHARGES.

6. NEIL GUNTER AND WESLEY BOYD ARE EMPLOYEES OF THE STATE DEPT.OF EDUCATION AND I HAVE SEEN GUNTER ONE TIME IN MY LIFE AND BOYD HAS BEEN SEEN BY US TWICE.NEVERTHELESS THAT TESTIFIED FALSELY AGAINST US AND PRESENTED OTHER EVIDENCE TO THE SECRET HEARING.

7. HANS J.SCHACHT(SHOT) IS EXECUTIVE DIRECTOR,GA.PROFESSIONAL PRACTICES COMMISSION,WHO CONDUCTED THE SECRET HEARING FOR ABERNATHY AND HIS WITNESS AGAINST US.

8. JOHN HINCHEY IS LISTED IN THE COMMISSION HEARING RECORD OF THIS MATTER AS THE HEARING EXAMINER FOR THE SECRET HEARING.

9. UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA.IF WE MUST STATE AT THIS POINT WHY THE COURT IS A DEFENDANT WE HAVE -- DONE A BAD JOB WITH THIS JURISDICTIONAL STATEMENT.

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN 6 1981
BEN H. CARTER, Clerk
By: M Hall Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
UNIT B

U.S. COURT OF APPEALS
FILED
DEC 29 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289
and 80-8290

JAMES E. PATTERSON,

Petitioner,

v. No. C79-106-N

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.,

Respondents.

****

JAMES E. PATTERSON,

Petitioner,

v. No. C80-1236-A

Exhibit C

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

Appellant previously filed documents in this court, which were close to being unintelligible. We studied the documents carefully, and attempted a liberal construction thereof, which resulted in our order entered on October 23, 1980. Our October 23, 1980, order liberally construed appellant's documents as a timely (i.e., filed on September 4, 1980) notice of appeal from Judge Tidwell's order on August 7, 1980, in

civil action numbered in the court below as C79-106-N, and as a timely notice of appeal from Judge Shoob's order on August 8, 1980, in civil action numbered in the court below as C80-1236-A. Our October 23, 1980, order dismissed the appeal from the order in civil action no. C79-106-N as not being ripe for appeal, but ordered that the appeal from Judge Shoob's August 8, 1980, order in civil action no. C80-1236-A be marked as having been filed on September 4, 1980, and further directed the district court to consider appellant's application to proceed in forma pauperis in C80-1236-A. Subsequently, Judge Shoob, on October 29, 1980, entered an order denying appellant's motion for leave to proceed on appeal in forma pauperis pursuant to Fed.R.App.P. 24(a), finding that appellant's appeal was not taken in good faith and was frivolous.[1] how absurd.

---

[1]Except for our holding below that the appeals in these cases are not timely, we would have denied appellant's motion to proceed on appeal in forma pauperis. Evidence of malfeasance in office by a judge is never Timely -

---

Subsequent to our October 23, 1980, order[2], appellant on October 28, 1980, filed voluminous papers. Although these papers are again verbose and almost unintelligible, it is clear that appellant asserts that his only notice of appeal was filed on September 15, 1980. Since the only[3] orders appealed from were the August 7, 1980, order in civil action no. C79-106-N, and the August 8, 1980, order in civil action no. C80-1236-A, the September 15, 1980, notice of appeal was filed after the 30-day period allowed by Fed.R.App.P. 4. Accordingly, both appeals are hereby DISMISSED.[4]

[2]In light of this order dismissing the appeals, we hereby withdraw our order dated October 23, 1980.

I also appealed for Court appointed counsel but you refused to rule on that.

[3]Appellant may also be attempting to appeal from Judge Vining's order in C79-106-N, which order was dated August 28, 1980, and entered on September 2, 1980, and which order was attached to appellant's papers as Exhibit D. However, Judge Vining's order is merely an order continuing the time for the show cause hearing, and therefore is not an appealable order.

I appealed for a speedy trial

[4]Even if we should liberally construe appellant's document entitled "Motion to Disqualify Judge" as a petition for writ of mandamus to require the judge to disqualify himself, we would deny the petition as supported only by conclusory allegations and as devoid of merit.

the disqualifying statute do not permit you to question the affidavit. Read attached Exhibit B and rule again.

A True Copy
Attested:
Clerk, U.S. Court of Appeals, Fifth Circuit
By: Brenda Haines
Deputy Clerk
Atlanta, Ga. 12/29/80

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

UNIT B

U.S. COURT OF APPEALS
FILED
OCT 23 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289

No. 80-8290

JAMES E. PATTERSON,

Petitioner

versus No. C79-106-N

OTIS J. ABERNATHY
HANS J. SCHACHT, et al.

Respondents

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner

versus No. C80-1236-A

EXHIBIT D

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
et al.

Respondents

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the appeal by appellant from the order entered by Judge Tidwell on August 7, 1980, in the civil action numbered in the court below as C79-106-N, is dismissed, because, inter alia, it appears that the order is a show cause order requiring James E. Patterson to show cause why he should not be held in contempt, and it further appearing that the contempt hearing was to be held in the future. This dismissal is without prejudice to Mr. Patterson's right to appeal following a final judgment of contempt, if any.

appealed for a trial

the court ordered. (You see no evidence to the effect and in fact the district judge ruled no Trial. 2-10-81 JEP.

PLA

FFF

Jail been trying since 8/07/80 to show cause why I am not in contempt but Judge Vining ordered his clerk on 10/03/80 not to accept any more motions from me pending — a Trial. 1-30-81

U.S. COURT OF APPEALS
FILED
JAN 28 1981
GILBERT F. GANUCHEAU
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Nos. 80-8289

and 80-8290

Received by James Patterson on 2-6-81.

EXHIBIT. #2

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.

Respondents.

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY AND
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the

Northern District of Georgia

O R D E R :

These appeals having been dismissed for lack of jurisdiction by order of this court on December 29, 1980, the clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed.

In other words, the appellate Court refuses to grant me a Contempt trial so that I can clear my name as a violator of a federal law. 2/9/81

It was Timely according to FRAP-26(c)

UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

JAMES E. PATTERSON---APPELLANT NO. 80-8289

VS.

HANS J. SCHACHT, NEIL GUNTER, WESLEY BOYD, JOHN HINCHEY, JAMES LEWIS, OTIS ABERNATHY, RALPH JOHNSON, KENNETH GORDON, THEODORE FRANKEL. --- APPLLEES

JAMES E. PATTERSON --- APPELLANT NO. 80-8290

VS.

OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, JEFFERY SMITH, WILLIAM E. HOFFMAN, JR., HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, & U.S. DIST. COURT-NORTHERN DISTRICT OF GEORGIA. --- APPELLEES

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT JAMES E. PATTERSON, APPELLANT ABOVE -- NAMED, APPEALS TO THE UNITED STATES SUPREME COURT FROM THE ORDER OF THE FIFTH CIRCUIT COURT OF APPEALS ENTERED IN THIS ACTION ON JANUARY 28, 1981.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 2/25/81.

EXHIBIT

B R 1 1 9
(10/79)

United States Bankruptcy Court

For the NORTHERN District of GEORGIA

In re

JAMES E. PATTERSON

Debtor*

Case No. 80-00076N

DISCHARGE OF DEBTOR

It appearing that the person named above has filed a petition commencing a case under title 11, United States Code on MARCH 24, 1980, that an order for relief was entered under chapter 7 and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [*or* that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained], it is ordered that

1. The above-named debtor is released from all dischargeable debts.

2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

(a) debts dischargeable under 11 U.S.C. §523;

(b) unless heretofore determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4) and (6) of 11 U.S.C. §523(a);

(c) debts determined by this court to be discharged under 11 U.S.C. §523(d).

3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from commencing, continuing or employing any action, process or act to collect, recover or offset any such debt as a personal liability of the debtor, or from property of the debtor, whether or not discharge of such debt is waived.

Dated: JULY 3, 1980

BY THE COURT

W H Drake Jr

Bankruptcy Judge

*Include here all names used by Debtor within last 6 years.

FIFTH CIRCUIT DENIED RIGHT TO APPEAL IN FORMA PAUPERIS TO AN UN-EMPLOYED, BANKRUPTED PERSON. 5/13/81/. Covering up for Judge Henderson.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

HANS J.SCHACHT,ET AL.

CASE NO.C78-31-N

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

OTIS J.ABERNATHY &
KENNETH L.GORDON

CASE NO.C78-47-N

EXHIBIT SC-1
Please note Date.

PLAINTIFF REFUSES TO SUBMIT A FURTHER BRIEF

THE COURT HAVING REQUESTED AT THE SO CALLED TRIAL FOR THE ABOVE-ENTITLED CASES ON NOVEMBER 20,1978 THAT FINAL BRIEFS BE SERVED ON OR BY NOVEMBER 25,1980 THE PLAINTIFF,PRO SE DECLINES TO COMPLY WITH SAID REQUEST FOR THE FOLLOWING REASONS.

2.

THE COURT HAS ALREADY GRANTED THE DEFENDANTS THE JUDGMENTS FOR BOTH CASES WHEN THE COURT PERMITTED THE DEFENDANTS TO ENTER A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY ALL OF MY DISCOVERY RIGHTS WITH CASES IN WHICH ALL EVIDENCE CITED AGAINST ME BY THE GA. PROFESSIONAL PRACTICES COMMISSION (COMMISSION) CAME FROM 127 EXHIBITS WHICH THE COMMISSION CLAIMS BEARS MY SIGNATURES,BUT THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER REVEALS THAT I WAS NOT CONFRONTED ON CROSS-EXAMINATION RESPECTIVE TO MY ALLEGED SIGNATURES ON THOSE CITED 127 EXHIBITS.

3.

THE P.O.ORDER CITED ABOVE IN PARAGRAPH NO.2 FALSELY STATES THAT AN ATTORNEY REPRESENTED THIS "PLAINTIFF,PRO SE" AT A DISCOVERY CONFERENCE IN THE COURT'S CHAMBERS ON JULY 26,1978,BUT THE JUDGE KNEW WHEN HE SIGNED THAT FRAUDULENT P.O. THAT NO ATTORNEY REPRESENTED US IN ANY SUCH DISCOVERY CONFERENCE AND THAT THIS PRO SE DID NOT ATTEND ANY SUCH DISCOVERY CONFERENCE AS THAT ALLUDED TO BY THE FRAUDULENT P.O.CONTRARY TO WHAT THE P.O.STATES THEIR CAN BE NO "PLAINTIFF,PRO SE"REPRESENTED BY LEGAL COUNSEL.

4.

THE COURT CONSPIRED WITH THE DEFENDANTS TO DENY MY RIGHT OF COMPULSORY PROCESS TO SUBPOENA THE COMMISSION HEARING PANEL THAT HEARD

THIS MATTER IN A PUBLIC TRIAL ON JULY 16,1976 SO THAT I COULD -- HAVE PROVEN BY THEIR TESTIMONY THAT THE COMMISSION'S TRANSCRIPT OF THIS MATTER IS NOT THAT OF THE PUBLIC HEARING.

5.

THE COURT CONSPIRED WITH THE DEFENDANTS TO PREVENT ME FROM TAKING DEPOSITIONS FROM THEM AND THE COMMISSION HEARING PANEL FOR THIS CASE.

6.

THE COURT DENIED ME DUE PROCESS AT THE SO CALLED TRIAL BY RULING THAT I COULD NOT UTILIZE THE COMMISSION'S COPY OF THE HEARING RECORD REVELANT TO THIS MATTER SO THAT I COULD SHOW THAT THE COMMISSION DENIED ME THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION RESPECTIVE TO THE EXHIBITS WHICH THE COMMISSION HAD PREVIOUSLY USED AGAINST ME ------ IN MY ABSENCE.

SC-1

7.

IT IS A TRAVESTY ON JUSTICE WHEN A FEDERAL JUDGE DISHONESTLY --- USES HIS AWESOME POWER TO SIGN AN ORDER WHICH FALSELY STATES THAT A LAWYER REPRESENTED US IN A DISCOVERY CONFERENCE IN CHAMBERS ON JULY 26,1978 WHEN THE COURT KNEW/KNOWS THAT THERE WAS NO SUCH DISCOVERY CONFERENCE AND THAT NO LAWYER REPRESENTED US WITH CASES NOS.C78-31-N AND C78-47-N. NO YOUR HONOR,I A PRO SE CANNOT WRITE A BRIEF THAT -- WILL OVER-COME SUCH A TRAVESTY ON JUSTICE AND SUCH HEINOUS MISCONDUCT BY A FEDERAL JUDGE.

8.

WHEN THE COURT SIGNED THE P.O. IN QUESTION ON AUGUST 8,1978 IT AUTOMATICALLY GRANTED THE DEFENDANTS JUDGMENTS FOR BOTH CASES NOS. C78-31-N & C78-47-N,AND YET,NO.C78-47-N HAD NOT EVEN BEEN DOCKETED ON JULY 26,1978. THE POINT HERE IS THAT THE COURT FALSELY ALLUDED TO A CONFERENCE ON JULY 26,1978 IN HIS P.O.SIGNED ON AUGUST 8,1978.

9.

SOME OF THE DEFENDANTS NEVER APPLIED FOR A PROTECTIVE ORDER,BUT THE COURT MADE THE FRAUDULENT P.O. APPLICABLE TO THEM AND SO ALL OF PRE-TRIAL DISCOVERY RIGHTS WERE DENIED BY THE COURT'S FRAUDULENT P.O.

10.

WITH CONSIDERATION GIVEN TO THE ABOVE DECLARATION OF FACTS,I AM OF THE OPINION THAT THE REASON WHY THE COURT SPENT NOVEMBER 20,1978 SHOUTING AT ME AT THE SO CALLED TRIAL WAS TO BENEFIT THE DEFENDANTS.

11.

WHEREFORE,THE COURT HAVING ALREADY GRANTED THE JUDGMENTS FOR BOTH ABOVE CAPTIONED CASES WHEN IT ENTERED THE FRAUDULENT P.O.ON AUGUST 8,1978,I KNOW THAT I CANNOT CHALLENGE A FRAUDULENT P.O. AND A DISHONEST JUDGE WITH A FINAL BRIEF AND SO FOR STATED REASONS I DECLINE

B.

THE COURT'S REQUEST FOR A FINAL BRIEF. SC-1

12.

WHEREFORE, I AM AWARE OF THE FACT THAT THE COURT CAN CITE FOR ME FOR CONTEMPT WHETHER MY CHARGES DECLARED IN THE FOREGOING OR TRUE OR FALSE, BUT BEFORE I GO TO FEDERAL PRISON FOR CRIMINAL CONTEMPT I WILL BE AFFORDED A PUBLIC TRIAL AND AN OPPORTUNITY TO FORCE THE COURT & DEFENDANTS TO PRODUCE THE ATTORNEY WHOM THEY CLAIMED REPRESENTED THIS CHEATED PRO SE IN JUDGE ALBERT HENDERSON'S COURT REVELANT TO CASES NOS. C78-31-N & C78-47-N.

13.

THE ABOVE STATEMENTS ARE MADE AS A DECLARATION OF FACTS UNDER THE PENALTY FOR MAKING A PERJURED STATEMENT TO A FEDERAL COURT.

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 11-21-78 ✓

C.

B-1

JAMES E. PATTERSON :
:
v. : CIVIL ACTION NO. C79-106N
:
HANS J. SCHACHT, et al :

B-1

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980 by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, .

It is hereby ORDERED, that Plaintiff James E. Patterson appear at the United States Courthouse; Atlanta, Georgia; Courtroom 221 Sept 3 on August 27, 1980 at 4:00 10:30 o'clock A.m. and show cause why he should not be held in Contempt of Court as prayed.

I did not MARK THRU- these lines. 11/25/80

It is further Ordered that the Complaint in Patterson v. Abernathy, C80-1236A shall not be served upon any Defendant pending further order by this Court.

This Order shall be communicated to the Clerk for the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

So Ordered this 7 day of August, 1980.

[APPENDIX-# 5-PAGE # 35.]

Ernest Tidwell, Judge
United States District Court
For The Northern District of
Georgia, Atlanta Division

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta, Ga.
AUG 8 1980
JAMES E. PATTERSON, Clerk
By: Deputy Clerk

There are 9 defendants, and defendants FRANKEL and Hyman — filed the civil contempt motion. Judge Tidwell just did — right here my right to screaming for C.A. 79-106N. J.E.P. 11-25-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
9/2/80
BEN H. CARTER, Clerk
BY: Karen Jacobs
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION
NO. C 79-106 N

A/A

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia, (2) now - need Ephelist to appear again

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Did not appear as ordered?"

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Judge Vining Canceled this Contempt trial date on the falsely Certified to the Fifth Circuit that I failed to appear and then Judge Hill ruled for the fifth that such misconduct did not disqualify Judge Vining.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Ben H. Carter, Clerk
By: [signature]
Deputy Clerk

[APPENDIX #-C-PAGE #-30]

#B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(1) well, Sir, since said order is not an "appealable order" why don't you grant me a Trial?

(2) "additionally", Judge, if your lie were true, you would have issued a bench warrant for my arrest and then tried me for criminal contempt. I should've been arrested or Tried.

ORDER

The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. (1) See. A Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

SO ORDERED, this 6th day of October, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

(3) "additionally", Judge Vining wrote the order that canceled the August 8 order. See his order of 9/29/80! no. You aren't about to jail me for civil contempt and afford me the right to have you be found guilty of perjury for benefit of the Reporters.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
10/7/80
Ben H. Tarver, Clerk
By: Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON, :
:
Plaintiff, : CIVIL ACTION
: FILE NO. C-78-31N
v. - :
:
HANS-J. SCHACHT, ET AL., :
:
Defendants. :

You refuse to try me for civil contempt because you don't want this fraudulent Judge exposed. 5-17-81

Court "order" does not write "ET-AL.", as this or use word "defendants"

ORDER

TO-SMALL-SEE-"ORDER", ON OTHERS

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

Judge Vining, you certified that none of my PLEADINGS had merit. SO, I ask you NOW to state the name of my LAWYER for this case.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

APPENDIX-#-8-PAGE # 38.

DRAFTED-BY:- Jeffery Smith, attorney for the defendants (1)

CHECK, "ORDER": "V"- not Venue, no Code NO. on Paper

#2

no relief based on argument of counsel at the hearing for Defendants

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: no counsel for this pro se - thus, no argument

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

NO-CODE-# OR-PAGE-#

Accordingly, the Defendants are granted a Protective Order to the extent set forth above.

So ordered this the ✓ day of August, 1978.

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

"The defendants are granted - - - -:"
"TO-THE-EXTENT:" DRAFTED-BY-SMITH and submitted to the Court. Smith was told by the Judge:" write your own Protective order and submitted it-TO-THE Court:" HE-DID. THIS-is-it. the signed and dated copy is word for word as this COPY. So, indeed, the defendants did write their own Protection from a pro se.

the next copy is identical except had date + signature with "Jr"

there was no argument. Smith doesn't say that I had filed motions to compel discovery

" with all parties being represented by Counsel, including the Plaintiff, Pro Se:" that's too much-I-guess. who was my lawyer Judges Tidwell, Vining, Shoob and mogl.

IV you refused me a contempt trial because item no. III puts you out of Business.

NO-CODE-NUMBERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

#4

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

FILED IN CLERK'S OFFICE

AUG - 4 1978

BEN H. CARTER, Clerk
By: Deputy Clerk

ORDER

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

malfeasance in office to control a case with a fraudulent pre-trial order

The Defendants voluntarily agreed to:

1. Answer the Complaint; on July 26 - the Comp. was amended
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

HERE-IS-SMITH'S- PERSONALLY DRAFTED- P.O. SIGNED - and D ared by a federal judge.

APPENDIX-# 9-PAGE-# 41.

no Code II

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: [no counsel argued for Patterson on July 26, 1978 so there was no such conference]

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

It was "hereby ordered" (1) alone for Smith to draft a Protective order and submit it to the Court for signature. Hence claim in case no. C79-106N that the Court conspired with defendants by means of a fraudulent Protective order (P.O.) to stay case nos. C79-31N and C79-47-N BUT Tidwell ruled barred by res Judicata.

NB - Calls no. 2a for Court docs.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above. Conspiracy by lying

So ordered this the 4 day of August, 1978.

malfeasance

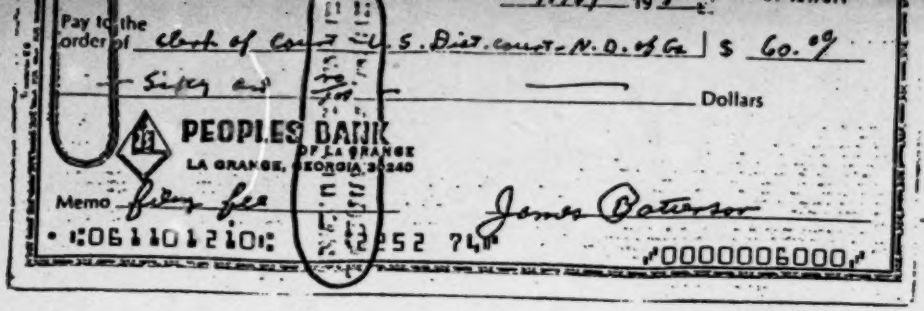
Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

SMITH-TYPED NAME- NOT "Jr." so the Judge added "Jr." so this SIGNATURE would be correct and order valid.

Judge Henderson also made this fraudulent pre-trial order applicable to case no. C 78-47 and thus he helped the Defendants steal bail judgments in for C 78-31-A and C 78-47-A.

November 29, 1978

NO


Pay to the order of Clerk of Court - U.S. Dist. Court - N.D. of Ga. $ 60.00
Sixty and 00/100 Dollars
PEOPLES BANK OF LA GRANGE
LA GRANGE, GEORGIA 30240
Memo filing fee
James Patterson
:061101210: 252 74
"0000006000"

[APPENDIX # 10-PAGE # 44.]

EXHIBIT-#7

well. Judge the check was honored and Exhibit no. 7 shows that you ruled we had the right to proceed before either a U.S. magistrate or federal judge with case no. C 80-80-1236-A. So you resorted to perjury to find Hoffman time to file an ex parte motion to grant movant's demand on the defendants. no one was over under your jurisdiction because of C 80-1236-A.

federal law 6 d(c) and 18 USC # 401 required a trial to determine if filing C.A. 80-1236-A violated a suppression order tacked on to dismissal order for C.A. 79-106 N and if you had had legal counsel you would have complied with federal law before you resorted to perjury to dismiss C.A. No. 80-1236-A.

8-11-80

CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE THIS 13TH DAY OF MAY 1981 MAILED A COPY OF THE ATTACHED JURISDICTIONAL STATEMENT AND ALL OTHER ATTACHES EXHIBITS TO COUNSEL FOR THE DEFENDANTS WHO ARE AS FOLLOWS:

MR. JOHN TAYLOR [ABERNATHY, LEWIS, JOHNSON]
ATTORNEY AT LAW
P.O. BOX 1027
LAGRANGE, GEORGIA 30240

MR. STEVEN FANNING [GORDON]
ATTORNEY AT LAW
P.O. BOX 668
NEWNAN, GEORGIA 30263

MR. WILLIAM E. HOFFMAN, JR. (FRANKEL, SMITH,
ATTORNEY-AT-LAW (HOFFMAN)
2200 FIRST NATIONAL BANK TOWER
ATLANTA, GEORGIA 30383

MS. LINDA BIRREL
ASSISTANT ATTORNEY GENERAL (SCHACHT, HINCHEY
132 STATE JUDICAL BLDG. (BOYD, GUNTER)
ATLANTA, GEORGIA 30343

MR. ROBERT CASTELLANI (U.S. DISTRICT COURT-
U.S. ATTORNEY (NORTHERN DISTRICT OF
SUITE # 1800 (GEORGIA)
RUSSELL FEDERAL BLDG.
ATLANTA, GEORGIA 30303

James Patterson
JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

JUDGE ALBERT J.HENDERSON,JR.
UNITED STATES DISTRICT COURT
56 FORSYTH STREET,N.W.
ATLANTA,GEORGIA 30303

RE:C.A.NO.78-31-N
C.A.NO.78-47-N

Dear Judge Henderson:

While this Pro Se realizes that anything that he might have to say in protest of the court's abuse of him in chambers on July 26, 1978 will have no influence on the thinking of your court,I still want you to know that you were a disgusting representative of my government to me as you shielded your mouth from my view while you whispered to counsel for the defendants.

You invited me to your chambers on July 26,1978 for a discovery conference.Then you proceeded to shield you mouth from my view as you conducted the conference with only counsel for the defendants permitted by you to participate in that conference.

You repeatedly ordered me to "remain silent" every time I made an effort to argued against your whispered directives to counsel for the defendants. Why invite me to a "conference"if you never intended to let me participate in said "conference?"

How insulting for you to order me to"remain silent" when you -- whispered to counsel for the defendants with your mouth shielded from my view-"draft your own Protective Order and submit it to the court for signature" If I had been represented by counsel you would not have abused him as you did this Pro Se.

Your corrupt conduct made it obvious to me that you had already determined that the defendants would be granted the judgments for the above -entitled cases.

I should like for you,a federal judge,to know that I felt that my government as represented to me by you cheated me and treated me with total disrespect.

I shall never forget the scene of a federal judge in conference with five defendant counselors and this pro se shielding his mouth from my view with his right hand as he stretched forward and leaned over his desk to whisper to the defense counselors"CONSIDER YOURSELF UNDER A PROTECTIVE ORDER"

This Pro Se can't understand why you changed your directive from "draft and submit----" to "consider yourself under a protective order"all in one so called "conference?"

I HAVE BEEN TREATED SHABBILY AND INSULTED BY YOU,A REPRESENTATIVE OF MY GOVERNMENT TO ME.The right"to be secure in his own person" left me with a federal judge in my presence whispering to my op--- position.

I HAVE ALSO BEEN DEEPLY HURT AND DAMAGED IN THIS COMMUNITY BECAUSE A DISHONEST SCHOOL SUPERINTENDENT DESTROYED MY MARRIAGE AND LIED TO

me about a job directive,and when his LIE got him in "hot water" he determined that he would make me the figure of a public scandal. Tax money got my attorney to co-operate with him.Tax money caused "my" attorney to help convict me as "a liar under oath"revelant to letters which I have never seen and the hearing record proves as much.

Since Supt. Abernathy had clearly demonstrated that no lawyer -- would ever represent me in my right to justice,I knew that he could not buy me and that I knew the details of his conspiracies against me,and so I determined to represent myself.

Judge Henderson has now given me a clear demonstration of what to expect in my efforts for justice as a pro se in federal court.

YES,YOUR HONOR,I know THE Feeling of being deeply hurt and of being treated shabbily by my government as represented to me by you. I know the deep hurt caused by being terminated in ABSENTIA,and that is a"feeling" which this court compounded on July 26,1978 as the judge conducted a whispering discovery conference with the counsel for the defendants while this pro se was ordered to "remain silent."

Your HONOR,one barrier between me and justice which I cannot overcome is that of a dishonest judge.

Now that I've had my FIRST AMENDMENT say about your shabby abuse of this PRO SE you may cite me for contempt of court if that be your your desire.

I cannot see any need to try the captioned cases since your dishonest conduct with counsel for the defendants makes it all too obvious of the conspiracy between you and them.

RESPECTFULLY SUBMITTED,

JAMES E. PATTERSON, PRO SE
1004 Vernon Street
LaGrange,Georgia 30240
404/882-8533

DATED: 8/8/78

Subscribed and sworn to before
me this 8th day of August 1978.

Notary Public

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

DO NOT PUBLISH

NO. 77-3097
Summary Calendar*

NO. C77-6-N in Judge Henderson's District Court. See Questions presented pertinent to NO. C77-6-N

JAMES E. PATTERSON,

Plaintiff-Appellant,

versus

TROUP COUNTY BOARD OF EDUCATION, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Georgia

(April 17, 1978)

BROWNBERRY, GODBOLD AND RUBIN, CIRCUIT JUDGES

AFFIRMED. See Local Rule 21.[1]

Mr. Justice Burger, Please be advised that this court order is "the" valid order for NO. 77-3097. appealed in forma pauperis. Judgment entered on April 17, 1978. JB

EXHIBIT #8

APPENDIX-13-PAGE-# 48

*Rule 18, 5 Cir., see Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al., 5 Cir. 1970, 431 F.2d 409

[1] See N.L.R.B. v. Amalgamated Clothing Workers of America, 5 Cir. 1970, 430 F.2d 966

FOR THE FIFTH CIRCUIT

DO NOT PUBLISH

NO. 77-3097
Summary Calendar*

NO. C77-6-N

JAMES E. PATTERSON,

Plaintiff-Appellant,

versus

TROUP COUNTY BOARD OF EDUCATION, ET AL.,

Defendants-Appellees.

EXHIBIT #20

Appeal from the United States District Court for the Northern District of Georgia

(April 17, 1978)

BEFORE THORNBERRY, GODBOLD AND RUBIN, CIRCUIT JUDGES

PER CURIAM: AFFIRMED. See Local Rule 21. 1/

Costs are taxed against plaintiff-appellant. (11)

I have a copy without this

Mr Justice Burger, Please be advised that this is a fraudulent court order sent to me by fed. app. court employee - June 1979. I did not request a copy of order no. 77-3097, they sent it on their initiative, then letter to the guilty parties asking for amt. of costs (11) FRAUD

9/21/79 JEP

*Rule 18, 5 Cir., see Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al., 5 Cir. 1970, 431 F.2d 409

1/ See N.L.R.B. v. Amalgamated Clothing Workers of America, 5 Cir. 1970, 430 F.2d 966

ISSUED AS MANDATE: MAY - 9 1978

1004 VERNON STREET
LAGRANGE, GEORGIA 30240
JULY 14, 1979

Telephone
42 U.S.C.A. # 1986
Violation

U.S. ATTORNEY
U.S. COURTHOUSE
NEW ORLEANS, LOUISIANA 70130

DEAR SIR;

I AM SURE THAT I CAN SPEAK FOR MANY CITIZENS OF THESE UNITED STATES AND EXPRESS MY COMPLETE DISGUST WITH THE DOUBLE STANDARD OF JUSTICE AVAILABLE "DOWN AT THE U.S. COURTROOM."

WHEN FEDERAL APPELLATE COURT OFFICERS INFEST THE CLERK'S OFFICE WITH DISHONEST DEPUTY CLERKS WHO WILL ISSUE FOR A PRICE A FRAUDULENT COURT ORDER IN THE NAMES OF THREE FEDERAL JUDGES FOR THE BENEFIT OF THE DEFENDANTS, AS IN THIS CASE, HELPING THOSE FIVE DEFENDANT LAWYERS INDUCE THIS PRO SE TO NOT ENTERTAIN ANY THOUGHT OF APPEALING FROM THE DISTRICT COURT THEY PROVE AT LEAST TWO FACTS. FIRST, IF THE APPEAL IS ...-EFFECT IT WILL BE TO THE ADVERSE OF THE DEFENDANTS. SECONDLY, THEY AND THE COURT CLERKS DEMONSTRATE ONE WAY TO "OBSTRUCT JUSTICE."

JUST BECAUSE THE DISHONEST COURT OFFICERS USED THEIR FEDERAL EMPLOYMENT POSITIONS TO INTIMIDATE, HARASS, AND CAUSE A PRO SE MENTAL DURESS, A FEDERAL DISTRICT JUDGE SITS ON THE FRAUDULENT CONDUCT. WHEREAS, IF THE COURT OFFICERS HAD CONDUCTED SUCH AN EFFORT AGAINST A CLIENT WITH COUNSEL HE, THE JUDGE, WOULD HAVE FILED A COMPLAINT WITH YOUR OFFICE LONG AGO.

WHEN A PRO SE LEARNS FROM FRAUDULENT COURT ORDERS AND SUBORNED PERJURY THAT THE APPELLATE COURT CLERK'S OFFICE AND JUDICAL SUPPORT ARE DISHONEST, BIASED, PARTIAL. PREJUDICED WITH MALICE, HE'D BE A DAMN FOOL TO FILE HIS APPEAL PAPERS FOR RULINGS WITH SUCH FRAUDULENT OFFICERS.

IT WAS A LESSON WHICH I LEARNED FROM COLLEGE POLITICAL SCIENCE COURSES THAT INFORMED ME THAT THE U.S. JUSTICE DEPARTMENT IS RESPONSIBLE FOR THE INTEGRITY OF THE FEDERAL COURTS. IF I FORGED STATEMENTS ON A COURT ORDER AND SHOWED THAT SAME WERE THE ORDERS OF JUDGES, THORNBERRY, RUBIN AND GOLDBOLD AND TRIED TO USE THAT FRAUD AS EVIDENCE IN A FEDERAL COURT AS EVIDENCE THE "OTHER STANDARD OF JUSTICE" WOULD CONFINE ME TO A U.S. PRISON.

WHEN ONE KNOWS FOR A FACT THAT COURT CLERKS ARE DISHONEST AND PARTIAL SUCH INFORMATION IS AN "OBSTRUCTION TO JUSTICE" I AM AWARE OF THE FACT THAT I WILL BE ADVISED THAT I SHOULD EMPLOY AN ATTORNEY AND FILE A COMPLAINT RELEVANT TO THE FRAUDULENT COURT OFFICERS.

WHAT I AM NOT AWARE OF IS WHAT TYPE OF CRIME DOES A FEDERAL COURT OFFICE HAVE TO COMMIT BEFORE THE U.S. ATTORNEY BECOMES RESPONSIBLE TO THE PUBLIC FOR THE FEDERAL COURT OFFICER OR OFFICERS WHO HAVE CORRUPTED THE FEDERAL JUDICARY?

PLEASE BE ADVISE, THEY ARE GOING TO COURT IN A COMPLAINT ENTITLED; PATTERS VS; U.S. DEPARTMENT OF JUSTICE, NEW ORLEANS, LA. > trial- but Judge Tiswell dismissed with prejudice

I AM CONFIDENT THAT A CAUSE OF ACTION IN SUCH A COMPLAINT CAN BE SUPPORTI ON THE GROUNDS THAT I AM NOT REQUIRED BY THE CONSTITUTION TO TRY AND EFFE AN APPEAL WITH KNOWN DISHONEST FEDERAL COURT CLERKS AND JUDICAL SUPPORT.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE

CC: MR. PHILLIP HYMANN ✓
U.S. DEPT. OF JUSTICE
CRIMINAL DIVISION
ENCL. VALID ORDER
FRAUDULENT ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

ABANDONED -ON- 5/20/80

James C. Patterson

Plaintiff

Vs.

Hans J. Schacht, et al

Defendant

#5
#5

CIVIL ACTION NO. 79-106N

NOW, WE HAVE 2 RULINGS OF THE COURT PER 79-106N OR NO MTN. THAT THE COURT HAS TOLD THAT DEFENDANT MUST MEET WITH THIS PARTY TO SEEK A SETTLEMENT OF CLAIM IN C79-106N WITHIN 90 DAYS.

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE G. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party. See paragraph no. 8.

The status report shall contain the following information:

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference.

F.R.C.P. Rule 69

Dated this 5th day of March, 1980.

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

#5
Judge Tidwell issued ordered case no. C79-106-N sealed by Consent Judgment; the defendants refused to be dismissed 2-11-81

[APPENDIX-16-PAGE # 52:]

April 8, 1976

Mr. James E. Patterson
Visiting Teacher
Troup County Schools
Troup High School
LaGrange, Georgia 30240

Dear Mr. Patterson:

As provided by Section 32-2103c of the Code of Georgia of 1933, as amended (Georgia Laws 1975, p. 360-364) you are hereby notified that as Superintendent of the Troup County School System, I have tentatively decided not to renew your contract for the school year 1976-77, beginning September, 1976.

Sincerely yours,

Otis J. Abernathy
Superintendent
Troup County Schools

OJA:jss
bc: Mr. James R. Lewis

at the 3 mos. "trial" period for the four of the master's degree program for Black teachers

THE UNITED STATES SUPREME COURT IS ADVISED THAT APPELLANT BOUGHT A COPY OF THIS LETTER FROM THE CLERK OF COURT. WE HAVE STATED THAT THE COMMISSION'S RECORD OF THIS MATTER WAS FILE NO. C77-6-N IN THE U.S. DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA.

WE DIRECT YOU ATTENTION TO THE FACT THAT ABERNATHY SENT A "BC" TO HIS LAWYER BECAUSE LEWIS KNEW THAT I WAS ENTITLED TO A HEARING BEFORE MY CONTRACT OF EMPLOYMENT WAS TERMINATED AND THUS IF HE HAD BEEN ON WRITTEN RECORD ADVISING ABERNATHY TO DENY ME DUE PROCESS MR. LEWIS WOULD HAVE BEEN IN TROUBLE WITH THE GA. BAR.

JcPatterson
5-10-81

OFFICE OF

Troup County Board of Education

OTIS J. ABERNATHY, SUPERINTENDENT

LaGrange, Georgia 30240

JAMES E. PATTERSON
VISITING TEACHER

April 8,1976

Mr. Otis Abernathy,Superintendent
Troup County Schools
Court House Annex
LaGrange,Ga.

Dear Sir:

I am in receipt of your letter under date of April 8,1976 in which you notified me that my contract would not be renewed for the school year of 1976-1977.

This is to request that I be given a hearing before the Troup County Bd. Of Education ,stating the charges against me as required under the Fair Dismall Law,Section # 3

"as required"
denied.

Sincerely,
James E. Patterson
James E.Patterson

cc: Mr. Kyle Smith
Field Director
GAE

Senator Render Hill

THIS LETTER WAS ALSO BOUGHT FROM THE CLERK OF COURT. I ASKED ABERNATHY FOR A DUE PROCESS HEARING BEFORE THE BOARD VOTED ON APRIL 12,1976 TO TERMINATE MY "CONTRACT OF EMPLOYMENT",BUT MY REQUEST FOR DUE PROCESS UNDER GA. LAWS WAS IGNORED AND DENIED.

J.E.Patterson
5-10-81

APPENDIX-18-PAGE # 54.

35.

301

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

80-6657

RECEIVED
APR 14 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON,
PETITIONER

V.

RE: C.A.NO.80-8289

HANS J.SCHACHT, OTIS J.
ABERNATHY, ET AL,
RESPONDENTS

JAMES E. PATTERSON,
PETITIONER

V.

RE: C.A.NO.80-8290

OTIS J.ABERNATHY, UNITED STATES
DISTRICT COURT, NORTHERN DISTRICT
OF GEORGIA, ET AL. ,
RESPONDENTS

PETITIONER AMENDS HIS PENDING PETITION FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL TO SHOW NEGLIGENCE OF THE FIFTH CIRCUIT COURT OF APPEALS

THE FIFTH CIRCUIT COURT OF APPEALS IS DIRECTLY RESPONSIBLE FOR THE MALFEASANCE IN OFFICE CONDUCT OF CERTAIN DISTRICT COURT JUDGES DIRECTED AGAINST THIS PRO SE SINCE 1977 TO DENY HIM THE DUE ADMINISTRATION OF JUSTICE BECAUSE THE FIFTH CIRCUIT HAS STATED THAT IT WOULD NOT RULE UPON SUCH DOCUMENTED EVIDENCE.

2.

THE FIFTH CIRCUIT COURT OF APPEALS REFUSED TO ENTER A RULING UPON OUR EVIDENCE SHOWING THAT FORMER DISTRICT COURT JUDGE, ALBERT J. HENDERSON, JR. CONSPIRED WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS FOR C.A.NO.78-31-N & C.A.NO.78-47-N VIA MEANS OF A FRAUDULENT PRE-TRIAL ORDER DESIGNED TO DENY OUR ACCESS TO 127 EXHIBITS WHICH HAD PREVIOUSLY BEEN UTILIZED AGAINST US BY THE DEFENDANTS IN OUR ABSENCE AND WHICH THEY CLAIM BEARS OUR SIGNATURES.

3.

JUDGE HENDERSON ENTERED A PRE-TRIAL ORDER REVELANT TO CASES NOS. C78-31-N AND C78-47-N IN WHICH HE FALSELY STATED THAT HE HELD A - PRE-TRIAL CONFERENCE TO HEAR "MY ATTORNEY'S" ARGUMENT FOR OUR RIGHT

TO ACCESS TO THOSE 127 EXHIBITS PREVIOUSLY UTILIZED AGAINST US. JUDGE HENDERSON SIMPLY LIED TO STATE THAT AN ATTORNEY REPRESENTED US WHILE CASES NOS.C78-31-N & C78-47-N WERE IN HIS COURT.

4.

JUDGE HENDERSON'S FRAUDULENT PRE-TRIAL ORDER STATED THAT "MY ATTORNEY" DID NOT PREVAIL WITH HIS ARGUMENT FOR MY PRETRIAL DIS--- COVERY RIGHTS.

5.

NOW, IF THE FIFTH CIRCUIT APPEALS COURT HAD RULED UPON MY EVIDENCE SHOWING THAT JUDGE HENDERSON AND THE DEFENDANTS DEFRAUDED US OF OUR RIGHT TO THE DUE ADMINISTRATION OF JUSTICE WITH THAT FRAUDULENT PRE-TRIAL ORDER INSTEAD OF RULING THAT SAID EVIDENCE OF FRAUD WAS NOT TIMELY SUCH A RULING WOULD HAVE CONCLUDED THIS MATTER IN 19 78 IF THE COURT HAD ENTERED A RULING UPON SUCH MISCONDUCT EVIDENCE.

6.

THE SHOWING OF FRAUDULENT EVIDENCE OR OF FRAUDULENT CONDUCT IS ALWAYS "TIMELY" ACCORDING TO PROVISIONS OF FED R C P RULE 60(b)(3).

7.

SINCE THE APPELLATE COURT REFUSED TO ENTER A RULING UPON THE -- MISCONDUCT OF JUDGE HENDERSON AND THE DEFENDANTS WE SET THAT EVIDENCE FORTH IN C.A.NO.79-106-N AS A CLAIM UPON WHICH RELIEF COULD BE BASED/GROUNDED. JUDGE TIDWELL'S COURT.

8.

WE FILED A MOTION FOR SUMMARY JUDGMENT FOR C.A.NO.79-106-N AFTER THAT CASE HAD BEEN BEFORE THE COURT FOR THREE (3) MONTHS, BUT NO DEFENDANT ATTEMPTED TO CONTROVERT THAT MOTION AND SUPPORTING AFFIDAVIT.

9.

SIXTEEN (16) DAYS AFTER WE FILED FOR SUMMARY JUDGMENT JUDGE TIDWELL DISMISSED C.A.NO.79-106-N AND ORDER SUPPRESSION OF ALL OF OUR EVIDENCE AGAINST JUDGE HENDERSON AND THE DEFENDANTS.JUDGE TIDWELL NOW REFERS TO HIS "SUPPRESSION ORDER"AS AN INJUNCTION.

10.

JUDGE TIDWELL DID NOT ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION EITHER BEFORE OR WITH HIS DISMISSAL ORDER FOR C.A.NO.79-106-N.

SO,WE GO BACK TO THE FIFTH CIRCUIT ASKING THAT APPEALS COURT TO ENTER AN ORDER REQUIRING JUDGE TIDWELL TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION AND SUPPORTING AFFIDAVIT.

12.

THAT APPEAL TO THE FIFTH CIRCUIT COURT OF APPEALS WAS DENIED WITH NO REASON STATED FOR DENIAL.

13.

SO,SINCE THE APPELLATE COURT WAS CLEARLY INVOLVED IN THE COVER UP OF A FEDERAL CONSPIRACY DIRECTED TOWARD THIS PRO SE,WE FILED,OR TRIED TO FILE,C.A.NO.80-1236-A IN JUDGE SHOOB'S COURT TO AGAIN SEEK A RULING UPON HENDERSON'S FRAUDULENT CONDUCT WITH THE DEFENDANTS.

14.

HOWEVER,JUDGE SHOOB WAS IN NO MOOD TO AFFORD US DUE PROCESS SO HE ENTERED AN ORDER FALSELY STATING THAT THE FILING FEE CHECK FOR C.A.NO.80-1236-A HAD NOT BEEN PAID BY THE COURT SO THAT ACTION --- COULD NOT BE FILED AND SERVED ON DEFENDANTS.

15.

THIS COURT HAS BEEN FURNISHED COPIES OF THAT CHECK AND THEREFORE KNOWS THAT JUDGE SHOOB LIED WHEN HE RULED THAT THE BANK DID NOT PAY THE FACE VALUE OF THE CHECK WHEN FIRST PRESENTED.

16.

JUDGE SHOOB ALSO RESORTED TO MORE PERJURY TO PREVENT C.A.NO.80-1236-A FROM BEING FILED WHEN HE RULED THAT THAT COMPLAINT CONTAINED 160 PAGES AND FOR THAT REASON DID NOT COMPLY WITH REQUIREMENTS OF FED R CIV P RULE 8.

17.

A COMPLAINT DISMISSED OR PREVENTED FROM BEING FILED ON THE --- BASIS OF PERJURED FINDINGS BY THE COURT DENIES DUE PROCESS AND SHOWS CONSPIRACY.

18.

JUDGE SHOOB FURTHER RULED THAT C.A.NO.80-1236-A COULD NOT BE - FILED BECAUSE THE "ACT" OF OUR TRYING TO FILE THAT ACTION"APPARENTLY VIOLATES JUDGE TIDWELL'S INJUNCTION" TACKED ON TO TIDWELL'S DIS----- MISSAL ORDER FOR C.A.NO.79-106-N

19.

SO,THEREAFTER,JUDGE SHOOB'S FRAUDULENT CONDUCT,JUDGE TIDWELL-HELD THAT THE "ACT"OF TRYING TO FILE C.A.NO.80-1236-A CONSTITUTED CIVIL CONTEMPT.

JUDGE TIDWELL ENTERED AN ORDER ON AUGUST 7,1980 ORDERING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT.

21.

WE FILED FOUR MOTIONS BETWEEN AUGUST 9,1980 AND SEPTEMBER 15,1980 ASKING FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL,BUT THE DISTRICT COURT IGNORED ALL FOUR MOTIONS.

22.

SO,WE GO BACK TO THE FIFTH CIRCUIT APPEALS COURT IN SEPTEMBER 1980 ASKING FOR COURT APPOINTED COUNSEL AND A SHOW CAUSE TRIAL --- POINTING OUT IN THAT APPEAL THAT JUDGE SHOOB HAD RESORTED TO MORE PERJURY AND FRAUDULENT CONDUCT TO BLOCK C.A.NO.80-1236-A FROM BEING FILED AND SERVED ON THE DEFENDANTS.

23.

AFTER WE HAD FILED OUR APPEAL ON SEPTEMBER 15,1980,THE DISTRICT COURT ENTERED AN ORDER ON OCTOBER 2,1980 STATING THAT IT WAS PROTECTING THE DEFENDANTS FROM ANY ACTION BY US AGAINST THEM FOR THEIR HAVING FILED CONTEMPT CHARGES AGAINST US.

24.

THE DISTRICT COURT ALLEGED THAT ITS ORDER CITED IN PARAGRAPH NO. 24 WAS BASED UPON ITS POWER BY PROVISIONS OF THE ALL WRITS ACT,28 U.S.C. #1651.

25.

HOWEVER,THE APPEALS COURT ORDERED THE DISTRICT COURT TO SHOW ON ITS RECORD THAT OUR APPEAL WAS DOCKETED IN THE APPEALS COURT ON SEPTEMBER 4,1980.THAT RULING VOIDED THE DISTRICT COURT ORDER ENTERED ON OCTOBER 2,1980.

26.

SO,WE AMENDED OUR PENDING APPEAL TO MOVE THE APPELLATE COURT TO ORDER THE DISTRICT COURT TO VACATE ITS ORDER ENTERED AFTER WE HAD APPEALED.

27.

THE APPELLATE COURT ENTERED AN ORDER VACATING ITS ORDER TO THE DISTRICT COURT REQUIRING THE RECORD TO SHOW OUR APPEAL WAS FILED ON SEPTEMBER 4,1980. THE APPELLATE COURT SIMPLY DISMISSED ITS ORDER SO THAT THE PROTECTION FROM PROSECUTION AFFORDED THE DEFENDANTS WOULD REMAIN VALID.

28.

THE FIFTH CIRCUIT APPEALS COURT REFUSED TO ENTER AN ORDER AFFORDING US A "SPEEDY PUBLIC TRIAL" ON THE SHOW CAUSE ORDER ENTERED ON AUGUST 7,1980.

THE FIFTH CIRCUIT IGNORED OUR APPEAL ,OR AN ISSUE IN OUR SEPTEMBER 1980 APPEAL,FOR COURT APPOINTED COUNSEL."CONSTITUTION REQUIRES THAT COUNSEL BE APPOINTED FOR INDIGENT PERSONS WHO MAY BE FINED OR FINED PURSUANT TO A FINDING OF CIVIL CONTEMPT" U.S.V.ANDERSON(C.A.S. D.1977) 553 F.2D 1154.

30.

SO,THE FIFTH CIRCUIT REFUSED TO ORDER JUDGE SHOOB TO AFFORD US A HEARING AS TO WHETHER OR NOT THE "ACT"OF OUR TRYING TO FILE C.A.NO. 80-1236-A DID OR DID NOT VIOLATE "JUDGE TIDWELL'S"SUPPRESSION ORDER REFERRED TO AS AN "INJUNCTION"

31.

STILL LATER,THE FIFTH CIRCUIT ENTERED A THIRD ORDER IN WHICH IT STATED OUR EFFORTS TO APPEAL FOR A SHOW CAUSE TRIAL AND FOR A HEARING REVELANT TO DISMISSAL OF C.A.NO.80-1236-A WAS DISMISSED FOR NOT BEING "TIMELY" WITH SO MANY UNSOLICITED APPEALS COURT RULINGS NO ONE BUT THAT COURT KNOWS WHY SO MANY DIFFERENT RULINGS UPON THE SAME ISSUES WERE NEEDED.

32.

THE FIFTH CIRCUIT HAS NEVER CONSIDERED THE SECOND ISSUE CONTAINED IN OUR SEPTEMBER 1980 APPEAL FOR COURT APPOINTED COUNSEL AND SINCE THE DISTRICT COURT ALSO REFUSED TO ENTER A RULING UPON OUR FOUR MOTIONS FOR COURT APPOINTED COUNSEL THERE WAS NO DATE BY WHICH TIME AN APPEALED HAD TO BE FILED TO BE "TIMELY"

33.

THEREFORE,IF THE FIFTH CIRCUIT COURT OF APPEALS HAD RULED UPON JUDGE HENDERSON'S FRAUDULENT CONDUCT, OR IF IT HAD FORCED THE DISTRICT COURT TO ENTER A RULING UPON THAT EVIDENCE WHEN SET FORTH IN C.A.NO.79-106-N,AND IF THAT COURT HAD RULED THAT JUDGE SHOOB DENIED US DUE PROCESS BY RESORTING TO PERJURED FINDINGS IN ORDER TO PREVENT C.A.NO.80-12360A FROM BEING FILED,AND IF THAT COURT HAD RULED THAT WE WERE ENTITLED TO COURT APPOINTED COUNSEL WHEN WE WERE ORDERED TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT,THIS MATTER WOULD HAVE LONG AGO BEEN CONCLUDED IN A MANNER THAT AFFORDED US THE DUE ADMINISTRATION OF JUSTICE.

34.

WHEREFORE,HOW MUCH MORE DISHONEST CAN A FEDERAL COURT JUDGE BE THAN TO ENTER AN ORDER WHICH FALSELY STATES THAT "PLAINTIFF PRO SE'S DUE PROCESS RIGHTS WERE AFFORDED/PROTECTED BY LEGAL COUNSEL" WHEN A "PLAINTIFF,PRO SE" CANNOT BE BECAUSE HE IS NO LONGER A "PRO SE" IF REPRESENTED BY LEGAL COUNSEL? JUDGE HENDERSON SIMPLY PROVED THAT LYING FOR THE DEFENDANTS WAS NO PROBLEM FOR HIM AND LYING HE DID WHEN HIS ORDER FALSELY STATED THAT WE WERE REPRESENTED BY LEGAL COUNSEL IN HIS COURT.

WHEREFORE,WHEN A DISTRICT FEDERAL COURT JUDGE FINDS IT NECESSARY TO RESORT TO SUCH A FRAUDULENT PRE-TRIAL ORDER IN A CASE IN WHICH THE PLAINTIFF IS PROCEEDING PRO SE SUCH FRAUDULENT MISCONDUCT CLEARLY SHOWS THAT THE PRO SE HAS ALREADY SET FORTH IN HIS ORIGINAL COMPLAINT THE EVIDENCE TO CONVINCE THE JUDGE THAT THE PRO SE WAS "TELLING LIKE IT WAS" WHEN HE ARGUED IN HIS ORIGINAL COMPLAINT THAT THE DEFENDANTS CONSPIRED TO COMPILE A HEARING RECORD IN PRO SE'S ABSENCE TO TERMINATE PRO SE'S EMPLOYMENT,EXCUSE ME,JUDGE HENDERSON REFERRED TO ME IN HIS FRAUDULENT PRE-TRIAL ORDER AS "THE PLAINTIFF,PRO SE", OR ELSE THERE WOULD NOT HAVE BEEN ANY NEED FOR AN ORDER DESIGNED TO DENY "PLAINTIFF,PRO SE'S"ACCESS TO THE EVIDENCE PREVIOUSLY UTILIZED AGAINST HIM IN "PLAINTIFF,PRO SE'S"ABSENCE.

36.

WHEREFORE,THE FIFTH CIRCUIT COURT OF APPEALS DENIED US DUE PROCESS WHEN IT DISMISSED OUR EFFORTS TO APPEAL THE FRAUDULENT EVIDENCE CITED IN THE FOREGOING PLEADING AGAINST JUDGES HENDERSON ,TIDWELL, AND SHOOB ON THE GROUND THAT SAID FRAUDULENT EVIDENCE WAS NOT"TIMELY"

37.

WHEREFORE,THE COURT HELD IN LOCKWOOD V.BOWLES (D.C.D.C.1946) 46 F.R.D. 625 THAT: "THERE IS NO TIME LIMITATION WHICH WOULD BAR A FEDERAL COURT FROM GRANTING RELIEF FROM A FINAL JUDGMENT UPON GROUND OF "FRAUD UPON THE COURT" A FRAUDULENT PRE-TRIAL ORDER DESIGNED BY JUDGE HENDERSON AND THE DEFENDANTS TO CONTROL TWO FEDERAL COURT JUDGMENTS CONSTITUTES EVIDENCE OF "FRAUD UPON THE COURT"

38.

WHEREFORE,WE HAVE MADE JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS AGAINST US THE CLAIM ON WHICH RELIEF WAS BASED IN PLEADINGS FILED IN BOTH THE DISTRICT AND APPELLATE COURTS SINCE 1978,BUT NEITHER COURT HAS YET ENTERED A RULING UPON THAT CONSPIRACY EVIDENCE. THE ONLY RESPONSE FROM THE DISTRICT COURT REVELANT TO THAT EVIDENCE OF MALFEASANCE IN OFFICE CONDUCT HAS BEEN THE SAME IN 1978,1979 AND 1980.THOSE DISTRICT COURT RESPONSES ORDERED THE SUPPRESSION OF THE CONSPIRACY OF HENDERSON WITH THE DEFENDANTS AND THAT SAID EVIDENCE NOT BE UTILIZED AGAINST THEM IN ANOTHER LAWSUIT.FED R CIV P RULE 54 (b) REQUIRES THE DISTRICT COURT TO ADJUDICATE ALL MATERIAL CLAIMS AND COUNTER CLAIMS SET FORTH IN A COMPLAINT AND RESPONSE TO THAT - COMPLAINT.

39.

THE FIFTH CIRCUIT APPELLATE COURT HAS STEADFASTLY RULED THAT EVIDENCE NOT RULED UPON BY THE DISTRICT COURT AS REQUIRED BY RULE 54(b) IS NOT "TIMELY"FOR PURPOSES OF AN APPEAL.

40.

SO,THE LONG AND SHORT OF THIS FRUSTRATING EXPERIENCE HAD BEEN THAT NO COURT HAS AFFORDED US A RULING ON JUDGE HENDERSON'S FRAUDULENT MISCONDUCT WITH THE DEFENDANTS DURING 1978,1979,OR 1980.

HOPEFULLY, THE UNITED STATES SUPREME COURT WILL NOT ORDER EVIDENCE OF A CONSPIRACY SUPPRESSED, BUT WILL IN 1981 ENTER THE FIRST FEDERAL COURT RULING UPON JUDGE HENDERSON'S FRAUDULENT MISCONDUCT WITH THE DEFENDANTS AGAINST US.

41.

WHEREFORE, THE DISTRICT AND APPELLATE COURTS NOW REFUSE TO AFFORD US A SHOW CAUSE TRIAL WHY WE SHOULD NOT BE HELD IN CONTEMPT ON AN -ORDER TO DO SO ENTERED AGAINST US ON AUGUST 7, 1980 BECAUSE THOSE COURTS HAVE NO INTENTIONS OF MAKING IT POSSIBLE FOR US TO PUBLICLY EXPOSE THE FRAUDULENT MISCONDUCT OF JUDGE ALBERT J. HENDERSON, JR.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
404/882-8533

DATED: 4-10-81.

JUDGE ALBERT J.HENDERSON,JR.
UNITED STATES DISTRICT COURT
56 FORSYTH STREET,N.W.
ATLANTA,GEORGIA 30303

RE:C.A.NO.78-31-N
C.A.NO.78-47-N

Dear Judge Henderson:

While this Pro Se realizes that anything that he might have to say in protest of the court's abuse of him in chambers on July 26, 1978 will have no influence on the thinking of your court,I still want you to know that you were a disgusting representative of my government to me as you shielded your mouth from my view while you whispered to counsel for the defendants.

You invited me to your chambers on July 26,1978 for a discovery conference.Then you proceeded to shield you mouth from my view as you conducted the conference with only counsel for the defendants permitted by you to participate in that conference.

You repeatedly ordered me to "remain silent" every time I made an effort to argued against your whispered directives to counsel for the defendants. Why invite me to a "conference"if you never intended to let me participate in said "conference?"

How insulting for you to order me to"remain silent" when you -- whispered to counsel for the defendants with your mouth shielded from my view-"draft your own Protective Order and submit it to the court for signature" If I had been represented by counsel you would not have abused him as you did this Pro Se.

Your corrupt conduct made it obvious to me that you had already determined that the defendants would be granted the judgments for the above -entitled cases.

I should like for you,a federal judge,to know that I felt that my government as represented to me by you cheated me and treated me with total disrespect.

I shall never forget the scene of a federal judge in conference with five defendant counselors and this pro se shielding his mouth from my view with his right hand as he stretched forward and leaned over his desk to whisper to the defense counselors"CONSIDER YOURSELF UNDER A PROTECTIVE ORDER"

This Pro Se can't understand why you changed your directive from "draft and submit----" to "consider yourself under a protective order"all in one so called "conference"

I HAVE BEEN TREATED SHABBILY AND INSULTED BY YOU,A REPRESENTATIVE OF MY GOVERNMENT TO ME.The right"to be secure in his own person" left me with a federal judge in my presence whispering to my op--- position.

I HAVE ALSO BEEN DEEPLY HURT AND DAMAGED IN THIS COMMUNITY BECAUSE A DISHONEST SCHOOL SUPERINTENDENT DESTROYED MY MARRIAGE AND LIED TO

me about a job directive,and when his LIE got him in "hot water" he determined that he would make me the figure of a public scandal. Tax money got my attorney to co-operate with him.Tax money caused "my" attorney to help convict me as "a liar under oath"revelant to letters which I have never seen and the hearing record proves as - much.

Since Supt. Abernathy had clearly demonstrated that no lawyer -- would ever represent me in my right to justice,I knew that he could not buy me and that I knew the details of his conspiracies against me,and so I determined to represent myself.

Judge Henderson has now given me a clear demonstration of what to expect in my efforts for justice as a pro se in federal court.

YES,YOUR HONOR,I know THE Feeling of being deeply hurt and of being treated shabbily by my government as represented to me by you. I know the deep hurt caused by being terminated in ABSENTIA,and that is a"feeling" which this court compounded on July 26,1978 as the judge conducted a whispering discovery conference with the counsel for the defendants while this pro se was ordered to "remain silent."

Your HONOR,one barrier between me and justice which I cannot overcome is that of a dishonest judge.

Now that I've had my FIRST AMENDMENT say about your shabby abuse of this PRO SE you may cite me for contempt of court if that be your your desire.

I cannot see any need to try the captioned cases since your dishonest conduct with counsel for the defendants makes it all too obvious of the conspiracy between you and them.

RESPECTFULLY SUBMITTED,

James E. Patterson

DATED: 8/8/78

JAMES E. PATTERSON, PRO SE
1004 Vernon Street
Lagrange,Georgia 30240
404/882-8533

Subscribed and sworn to before me this 8th day of August 1978.

Nicole L. Frazelle

Notary Public

CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE THIS 10th DAY OF -- APRIL 1981 MAILED A COPY OF THE ATTACHED AMENDED PLEADING TO THE FOLLOWING:

U.S. DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA,
OFFICE OF THE CLERK
RUSSELL FEDERAL BUILDING
ATLANTA, GEORGIA 30303

U.S. COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK
600 CAMP STREET
NEW ORLEANS, LA. 70130

RALPH TAYLOR (FOR DEFENDANTS ABERNATHY, JOHNSON, & LEWIS)
ATTORNEY-AT-LAW
P.O. BOX 1027
LAGRANGE, GEORGIA 30240

MS. LINDA BIRREL
GA. ASSISTANT ATTORNEY GENERAL (FOR SCHACHT,
132 STATE JUDICAL BLDG. BOYD, HINCHEY,
ATLANTA, GEORGIA 30334 & GUNTER)

WILLIAM E. HOFFMAN, JR.
2200 FIRST NATIONAL TOWER (FOR FRANKEL AND
ATLANTA, GA. 30383 SMITH & HOFFMAN]

STEVEN FANNING
ATTORNEY-AT-LAW (FOR GORDON]
P.O. BOX 668
NEWNAN, GA. 30263

James Patterson
JAMES E. PATTERSON, PRO SE

IN THE UNITED STATES SUPREME COURT

80-6657 WASHINGTON, D.C.

RECEIVED
APR 9 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON, PETITIONER

V.

HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, & THEODORE FRANKEL

RE: C.A. NO. 79-106-N

C.A. NO. 80-8289

RECEIVED
MAY 6 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON, PETITIONER

V.

HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, WILLIAM HOFFMAN, JEFFERY SMITH & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA.

RE: C.A. NO. 80-1236-A

C.A. NO. 80-8290

FOREWORD

THIS DISABLED, UNEMPLOYED, PRO SE HEREBY ADVISES THIS COURT THAT HE CANNOT REFER TO THE DEFENDANTS AS "RESPONDENTS" BECAUSE THE DISTRICT COURT HAS ISSUED AN ORDER THAT THEY NOT BE SERVED WITH ANY FURTHER PLEADINGS REVELANT TO THE ABOVE-ENTITLED CASES AND THAT SAME ORDER ADVISED THE CLERK OF COURT TO RETURN TO US ANY FURTHER PLEADINGS WE FILED REVELANT TO THE ABOVE-ENTITLED ACTIONS. THEREFORE, THE DISTRICT COURT HAS RULED IN EFFECT THAT THEIR ARE NO "DEFENDANTS" OR "RESPONDENTS" IN THE ABOVE-ENTITLED ACTIONS.

2.

WE ALSO HEREBY ADVISE THIS COURT THAT WE ARE WELL AWARE OF THE FACT THAT THE ATTACHED PETITION FOR A DUE PROCESS TRIAL FOR CONTEMPT OF COURT WITH COURT APPOINTED COUNSEL DOES NOT CONFORM TO THE REQUIRED STYLING/FORM FOR AN APPEAL, BUT HE HOPES THAT A REVIEW OF THE EVIDENCE OF A FEDERAL COURT CONSPIRACY WILL CONVINCE THIS COURT - THAT THE MERITS OF THE ATTACHED PETITION WARRANTS THIS COURT'S DUE CONSIDERATION FOR A PRO SE'S RIGHTS TO "PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES" REGARDLESS OF THE FACT THAT THE ATTACHED - PETITION DOES NOT CONFORM TO THE STYLING/FORM WHICH THIS COURT REQUIRES FOR PETITIONS FILED BY ATTORNEYS.

(1) "Jurisdiction" - you had jurisdiction to order appointment of counsel because the refusal of district court to enter a ruling upon that motion did not leave a void to control an appeal of that issue. a Timely appeal. 4-5-81

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

March 24, 1981

Mr. Alexander Stevas, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Nos. 80-8289 PATTERSON v. ABERNATHY
80-8290

Dear Mr. Stevas:

for off notice of appeal filed.

I am forwarding to you petitioner's Notice of Appeal to the Supreme Court of the United States from this Court's Order of January 28, 1981, stating "These appeals have been dismissed for lack of jurisdiction by order of this court on 12-29-80, the Clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed." - from

false statement

As is our usual procedure, we will await further word from you as to the forwarding of this record.

Sincerely,

GILBERT F. GANUCHEAU, Clerk

By Shelda V. Harris
Shelda V. Harris
Case Manager

SVH:rcn

Enclosure

#

cc: Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani
Mr. James E. Patterson

APRIL 2,1981

A PETITION BASED ON AN APPEAL OF AN ORDER ENTERED ON JANUARY 28, 1981 IS TIMELY IF FILED 90 DAYS FROM JANUARY 28,1981. SUPREME COURT RULE # 13 READS IN PART AS FOLLOWS:"NOT MORE THAN NINETY DAYS AFTER THE ENTRY OF THE JUDGMENT APPEALED FROM IT SHALL BE THE DUTY OF THE APPELLANT TO DOCKET THE CASE IN THE MANNER SET FORTH IN PARAGRAPH 2 OF THIS RULE------" NINETY DAYS FROM JANUARY 28,1981 WOULD BE APRIL 28,1981. THEREFORE,OUR PETITION IS TIMELY.

James C Patterson

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

March 31, 1981

Mr. James E. Patterson
1004 Vernon Street
LaGrange, Georgia 30240

RE: James E. Patterson v. Hans J. Schacht, et al.; and James E. Patterson v. Otis J. Abernathy, et al.
A-828

Dear Mr. Patterson:

Your application for an extension of time within which to docket an appeal in the above-entitled case has been presented to Justice Powell, who has endorsed thereon the following:

"Denied.
3/31/81
LFP"

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson
Francis J. Lorson
Chief Deputy Clerk

rwk
cc: Honorable Otis J. Abernathy
Gilbert F. Ganucheau, Esq., Clerk,
US Court of Appeals for the Fifth Circuit
(Your Nos. 80-8289 and 80-8290)

DEAR SIR:

MY APPEAL WAS BASED ON AN ORDER ENTERED BY THE FIFTH CIRCUIT COURT ON JANUARY 28,1981 AND I UNDERSTAND THAT I HAD 90 DAYS FROM THAT DATE TO FILE MY PETITION WITH THE SUPREME COURT. THAT ORDER IS ATTACHED WITH MY PETITION.

4/2/81

James E. Patterson
JAMES E. PATTERSON

THIS COURT IS REQUESTED TO REVIEW THE ATTACHED EVIDENCE AND THEN DETERMINE IF ALBERT J.HENDERSON,JR.SHOULD SIT ON THE FEDERAL JUDICAL BENCH SINCE ATTACHED EVIDENCE SHOWS THAT HENDERSON CONSPIRED WITH DEFENDANTS IN CASES NOS.C78-31-N & C78-47-N,WHO ARE THE SAME AS THOSE LISTED IN C.A.NO.79-106-N,TO CONTROL JUDGMENTS FOR CASES NOS. C78-31-N & C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER(P.O.).

4.

THIS CHEATED PRO SE SINCERELY MOVES THIS COURT TO REVIEW THE ATTACHED P.O.SIGNED BY JUDGE HENDERSON REVELANT TO C.A.NO.78-31-N,AND WHICH HENDERSON APPLIED TO C.A.NO.78-47-N, AND PLEASE NOTE WITH A VERY SPECIFIC INTEREST THAT HENDERSON FRAUDULENTLY STATES IN THAT P.O. THAT AN ATTORNEY PROTECTED OUR DUE PROCESS RIGHTS REVELANT TO C.A. NO.78-31-N & C.A.NO.78-47-N.HE KNEW,OF COURSE,THAT WE WERE NOT REPRESENTED BY AN ATTORNEY IN HIS COURT.

5.

THUS,JUDGE HENDERSON LIED WHEN HE FALSELY STATED IN THAT P.O. THAT WE WERE AFFORDED DUE PROCESS BY LEGAL COUNSEL IN HIS COURT-IN HIS COURT-REVELANT TO CASES NOS.C78-31-N & C78-47-N.

6.

WE ALSO URGE THIS COURT TO NOTE WITH SPECIAL INTEREST THAT WE REFUSED TO FILE A BRIEF WITH JUDGE HENDERSON AFTER A SO CALLED TRIAL ON THE GROUND THAT HIS CONSPIRACY WITH THE DEFENDANTS MADE IT IMPOSSIBLE FOR US TO REALIZE THE DUE ADMINISTRATION OF JUSTICE IN HIS COURT. EVIDENCE OF OUR REFUSAL IS ATTACHED.

7.

JUDGE ALBERT J.HENDERSON,JR.,NOW ON THE BENCH OF THE FIFTH CIRCUIT COURT,AFTER A PROMOTION BY PRESIDENT CARTER,IS GUILTY OF LEGAL MALPRACTICE,MALFEASANCE IN OFFICE AND RESORTING TO PERJURY TO FAVOR THE DEFENDANTS.

8.

SINCE WE DO NOT KNOW HOW TO PROPERLY STYLE A PETITION TO INCLUDE THE UNIMPEACHABLE EVIDENCE REVELANT TO JUDGE HENDERSON'S MISCONDUCT WILL THIS COURT DENY OUR FIRST AMENDMENT RIGHTS TO "PETITION THE UNITED STATES SUPREME COURT FOR REDRESS OF HENDERSON'S MISCONDUCT AGAINST THIS PRO SE" ON THAT GROUND?

9.

THIS UNEMPLOYED PRO SE TRIED TO OBTAIN LEGAL COUNSEL FROM EVERY FEDERALLY FUNDED LEGAL SERVICES PROGRAM,BUT ALL EFFORTS FAILED.WE ALSO CALLED ON U.S.SENATOR MACK MATTINGLY TO HELP US OBTAIN LEGAL COUNSEL FROM A FEDERALLY FUNDED PROGRAM,BUT HE WAS NOT ABLE TO DO SO.

WHEN THE DISTRICT COURT ENTERED AN ORDER ON AUGUST 7,1980 RE---QUIRING THIS DISABLED,UNEMPLOYED,PRO SE TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CONTEMPT OF COURT WE FILED A MOTION AND AN AFFIDAVIT ASKING THE DISTRICT COURT TO APPOINT COUNSEL FOR US.THE COURT HAS IGNORED THAT MOTION AND AFFIDAVIT.WE NEXT APPEALED TO THE FIFTH -- CIRCUIT COURT OF APPEALS FOR APPOINTMENT OF COUNSEL BY THE COURT, BUT THAT COURT HAS THUS FAR REFUSED TO ENTER A RULING ON THAT MOTION FILED IN SEPTEMBER 1980. THEREFORE, WE HAVE BEEN DENIED THE HELP OF LEGAL COUNSEL IN DRAFTING THIS PETITION FOR A DUE PROCESS CONTEMPT TRIAL WITH REPRESENTATION BY LEGAL COUNSEL.

10.

THEREFORE,SHALL WE NOW BE DENIED THE FIRST AMENDMENT RIGHT TO REPORT TO THE UNITED STATES SUPREME COURT THAT AFTER JUDGE HENDERSON DEFRAUDED US OF OUR RIGHTS TO THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N WITH HIS FRAUDULENT PROTECTIVE ORDER (P.O.) FAISELY REFERRING TO OUR NON-EXISTANT ATTORNEY,THAT DISTRICT COURT JUDGE,G. ERNEST TIDWELL,ON THE BENCH OF THE U.S.DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA,REFUSED TO ENTER A RULING ON OUR DOCUMENTED - CRIMINAL CHARGES AGAINST JUDGE HENDERSON AS WE SET FORTH THOSE CHARGES IN C.A.NO.79-106-N BECAUSE WE DO NOT KNOW HOW TO PROPERLY STYLE A PETITION TO THE UNITED STATES SUPREME COURT?

11.

DOES'NT THE MERIT OF THE FACTS SHOWING THAT TIDWELL REFUSED TO ENTER A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION REVELANT TO C.A.NO.79-106-N OUT WEIGH THE FACT THAT THIS PRO SE,WHO HAS BEEN DENIED LEGAL COUNSEL,LACKS THE LEGAL KNOWLEDGE TO KNOW HOW TO PROPERLY DRAFT A PETITION TO THE UNITED STATES SUPREME COURT? DOES'NT SHOWING THAT WE WERE CHEATED SHOW THAT JUDGE TIDWELL IS ALSO GUILTY OF MALFEASANCE IN OFFICE AND DOES IT MATTER IF WE PROPERLY STYLE A PETITION TO DOCUMENT A SECOND DISHONEST FEDERAL JUDGE?

CLEARLY,WE WERE ENTITLED TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N -- SINCE NO DEFENDANT ATTEMPTED TO CONTROVERT THAT MOTION.

12.

DOES A PRO SE HAVE TO ADHERE TO A SPECIFIC STYLING FOR A PETITION THAT "PETITIONS THE GOVERNMENT FOR REDRESS OF GRIEVANCES"---- AGAINST JUDGE TIDWELL IN ORDER TO SHOW THAT IN SPITE OF TIDWELL'S DISHONESTY AND CONSPIRACY TO REFUSE US A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION THAT HE ORDERED SUPPRESSION OF ALL EVIDENCE AGAINST JUDGE HENDERSON'S FRAUDULENT PROTECTIVE ORDER WITH THE FRAUDULENT REFERENCE TO OUR NON-EXISTANT ATTORNEY?

13.

JUDGE TIDWELL CHEATED US OUT OF OUR RIGHT TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N AND THAT EVIDENCE SHOULD MERIT MORE WEIGHT THAN AN IMPROPERLY STYLED"PETITION FOR REDRESS OF GRIEVANCES"

IS THERE SOME SPECIFIC STYLING FOR A"PETITION FOR REDRESS OF GRIEVANCES" REQUIRED OF A PRO SE TO SHOW THIS COURT THAT JUDGE TIDWELL ALSO CHEATED US OUT OF OUR RIGHT TO HIS ORDER FOR A CONSENT - JUDGMENT AND THIS COURT WILL FIND THAT ORDER ATTACHED HEREIN? JUDGE TIDWELL HAS NOT UNTIL THIS DATE VACATED OR ALTERED HIS ORDER REQUIRING THE DEFENDANTS TO OFFER US A CONSENT JUDGMENT WHICH HE ENTERED ON HIS OWN INITIATIVE. NO,HE SUDDENLY DISMISSED C.A.NO.79-106-N WHEN HE WAS MADE AWARE OF THE FACT THAT THE DEFENDANTS COULD NOT CONTROVERT OUR MOTION FOR SUMMARY JUDGMENT AND THEY COULD NOT BECAUSE WE DOCUMENTED THAT THEY PROCEEDED AGAINST US IN HENDERSON'S COURT ON THE "STRENGHT"OF A FRAUDULENT PROTECTIVE ORDER FALSELY REFERRING TO OUR NON-EXISTANT LAWYER.

15.

DOES THIS CHEATED PRO SE HAVE THE CONSTITUTIONAL RIGHT TO SHOW THIS COURT THAT TIDWELL CLAIMS THAT HIS SUPPRESSION ORDER REVELANT TO HENDERSON'S MISCONDUCT WAS AN INJUNCTION OR WILL WE BE DENIED - THAT CONSTITUTIONAL RIGHT ON THE GROUNDS THAT WE DO NOT HAVE THE - LEGAL BACKGROUND TO KNOW HOW TO PROPERLY STYLE A PETITION TO THIS FEDERAL COURT?

16.

HOWEVER,FEDERAL JUDGE,TIDWELL,IS REQUIRED BY PROVISIONS OF FED R CIV P RULE 65(a)(1) TO AFFORD US A HEARING BEFORE HE ISSUES AN INJUNCTION AGAINST US AND HE DID NOT DO SO.THEREFORE,JUDGE TIDWELL - DID NOT AND DOES NOT HAVE THE POWER TO GRANT INJUNCTIVE RELIEF ON A PERMANENT BASIS,AS HE DID,ON UN-SWORN "FACTS" OR "ALLEGATIONS" IF HE CALLS HIS SUPPRESSION ORDER AN INJUNCTION. CAN WE BE DENIED OUR CONSTITUTIONAL RIGHT OF "ACCESS TO THE COURT"BECAUSE WE LACK THE - LEGAL EDUCATION TO STYLE A PETITION ASKING THIS COURT TO ORDER JUDGE TIDWELL TO VACATE HIS SUPPRESSION ORDER OR INJUNCTION TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N UNTIL SUCH TIME AS HE HAS AFFORDED US A HEARING? SEE,GRANNY GOOSE FOODS,INC. V.BROTHERHOOD OF TEAMSTERS & AUTO TRUCK DRIVERS,LOCAL 70 (1974) 415 US 423,432 NOTE 7,94 SCT 1113,39 LE2D 435;WRIGHT & MILLER,FED PRAC AND PROC CIVIL # 2949.

17.

BECAUSE BOTH JUDGES HENDERSON AND TIDWELL CHEATED THIS PRO SE, WE IGNORED TIDWELL'S SUPPRESSION ORDER COVERING UP FOR JUDGE HENDERSON AND THE DEFENDANTS AND CLAIMED OUR RIGHT TO BOTH CONSENT JUDGMENT AND SUMMARY JUDGMENT FOR C.A.NO.79-106-N AS WE FILED C.A.NO. 80-1236-A. AFTERALL,TIDWELL HAD NOT ENTER A RULING ON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION OR HIS CONSENT JUDGMENT ORDER AND HE LACKED THE POWER TO DISMISS C.A.NO.79-106-N UNTIL HE HAD RULED UPON ALL MAJOR MOTIONS AND ORDERS FROM HIS COURT.

18.

WE"PETITION THIS FEDERAL COURT FOR REDRESS OF GRIEVANCES"A -- AGAINST

JUDGE MARVIN SHOOB WHO DENIED US A DUE PROCESS HEARING BEFORE HE ENTERED AN ORDER TO THE EFFECT THAT C.A.NO.80-1236-A WOULD NOT BE SERVED ON A DEFENDANT.JUDGE SHOOB RULED THAT THAT "ACTION APPARENTLY VIOLATES JUDGE TIDWELL'S INJUNCTION" A HEARING WAS REQUIRED TO MAKE THAT DETERMINATION.

19.

JUDGE TIDWELL HELD THAT OUR EFFORT TO HAVE C.A.NO.80-1236-A SERVED ON THE DEFENDANTS-WHICH SHOOB BLOCKED,WAS GROUNDS FOR CONTEMPT. THUS,TIDWELL ISSUED AN ORDER ON AUGUST 7,1980 ORDERING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT,BUT THE COURT HAS STEADFASTLY REFUSED TO TRY US BECAUSE IT KNOWS THAT OUR PUBLIC TESTIMONY WOULD DOCUMENT A FEDERAL CONSPIRACY AGAINST US TO COVER UP JUDGE HENDERSON'S MIS-CONDUCT.

20.

IS THERE A SPECIAL FORM REQUIRED OF A PRO SE TO SHOW THIS COURT THAT HE WAS ENTITLED TO A DUE PROCESS HEARING BEFORE JUDGE SHOOB - QUASHED C.A.NO.80-1236-A? "NATURE OF CONTEMPT CHARGES REQUIRES THAT THOSE CHARGED WITH VIOLATIONS OF AN INJUNCTION AS CONTEMPT BE AFFORDED A DUE PROCESS HEARING AS GUARANTEED BY U.S.C.A.CONST.AMENDS.5-14- ADAMS V.SAMPSON (D.C.N.C. 1978) 454 F.SUPP.233. THUS,WE NOW ARE ASKING THE "HIGHEST COURT IN THE LAND"TO ORDER THE DISTRICT COURT TO VACATE ITS SO CALLED PERMANENT INJUNCTION ISSUED AGAINST US AND TO AFFORD US A SHOW CAUSE TRIAL WITH COURT APPOINTED COUNSEL.

21.

MUST THIS PRO SE STYLE HIS REPORT TO THIS COURT BY SOME REQUIRED STYLING/FORM IN ORDER TO SHOW THAT THE JUSTICE DEPARTMENT - RULED THAT IT LACKED THE POWER TO INVESTIGATE VIOLATION OF OUR CIVIL RIGHTS BY FEDERAL JUDGES AND STATE EMPLOYEES?

22.

NOT SO LONG AGO,MR.CHIEF JUSTICE BERGER TERMINATED THE EMPLOYMENT OF AN EMPLOYEE OF HIS COURT FOR RELEASING TO THE NEWS MEDIA A DECISION BY THE COURT.MR.CHIEF JUSTICE BERGER WAS PROTECTING THE - INTEGRITY OF HIS COURT.THUS,WHEN MR.CHIEF JUSTICE BERGER IS FURNISHED EVIDENCE OF A FEDERAL CONSPIRACY TO VIOLATE OUR CIVIL RIGHTS IT IS HOPED THAT HE WILL ACT JUST AS SWIFTLY TO ORDER AN INVESTIGATION INTO SAID CHARGES.

23.

THIS PRO SE HAS BEEN DENIED A SHOW CAUSE TRIAL AND APPOINTMENT OF COUNSEL SINCE AUGUST 7,1980 BECAUSE THE CORRUPT DISTRICT COURT JUDGES KNOW THAT THEIR ORDER FOR US TO SHOW CAUSE WHY WE --- SHOULD NOT BE HELD IN CONTEMPT IS A FARCE AND A GOVERNMENT MANUFACTURED CHARGE WHICH IF PUBLICLY TRIED WOULD DISCREDIT FOUR FEDERAL COURT JUDGES, AND IMPEACH JUDGE ALBERT J.HENDERSON,JR.

24.

WHEREFORE,HAVING DOCUMENTED THAT THE DISTRICT COURT ENTERED A

PERMANENT INJUNCTION AGAINST US WITHOUT AFFORDING US A HEARING, AND ON THE BASIS OF NO SWORN AFFIDAVITS, TO COVER UP JUDGE HENDERSON'S CRIMINAL MISCONDUCT AGAINST US, AND HAVING SHOWN THIS COURT THAT THE DISTRICT COURT ORDERED US ON AUGUST 7,1980 TO SHOW CAUSE WHY WE - SHOULD NOT BE HELD IN CONTEMPT FOR HAVING TRYED TO HAVE C.A.NO.80-1236-A SERVED ON THE DEFENDANTS, WE NOW ENTER A PLEA FOR THIS COURT TO ENTER AN ORDER REQUIRING THE DISTRICT COURT TO APPOINT COUNSEL FOR US AND TO AFFORD US DUE PROCESS RIGHT TO SHOW WHY WE ARE NOT IN CONTEMPT OF FEDERAL DISTRICT COURT.

25.

WHEREFORE, AFTER-ALL, THE COURT ORDERED US ON AUGUST 7,1980 TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CONTEMPT OF COURT, BUT THE COURT HAS DENIED US THE DUE PROCESS RIGHT TO COMPLY WITH ITS SHOW CAUSE ORDER SO THAT IT CAN KEEP HENDERSON'S MISCONDUCT FROM BEING MADE A MATTER OF A PUBLIC RECORD. NOW PLEASE SEE EXHIBIT # SC-1.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404]882-8533

4/2/81.

"CIVIL CONTEMPT IS ESTABLISHED WHEN IT IS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THERE IS A --- LAWFUL ORDER --- AND THAT SUCH ORDER WAS VIOLATED." U.S.V.AMERICAN SOCIETY OF CIVIL ENGINEERS (D.C. N.Y.1977) 446 F.SUPP.803.

WE DID NOT VIOLATE A "LAWFUL ORDER" WHEN WE IGNORED JUDGE TIDWELL'S ORDER TO SUPPRESS ALL EVIDENCE REVELANT TO JUDGE HENDERSON'S MISCONDUCT WHEN JUDGE TIDWELL REFUSED TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION AND REFUSED TO HONOR HIS ORDER REQUIRING A CONSENT JUDGMENT BY THE DEFENDANTS. THEREFORE, WE HAD - THE LEGAL RIGHT TO HAVE TRIED TO FILE C.A.NO.80-1236-A.

"EVERY CIVIL CONTEMNOR WHO ASSERTS A GENUINE ISSUE OF MATERIAL - FACT IS ENTITLED TO A FULL, IMPARTIAL TRIAL." WASHINGTON METRO AREA TRANSIT AUTHORITY V.AMALGAMATED TRANSIT UNION, LOCAL 689 531 F.2D 617,174 U.S.APP.D.C. 285.

THERE WAS A "GENUINE ISSUE OF MATERIAL FACT" TO BE TRIED BEFORE - JUDGE SHOOB QUASHED MARSHAL'S SERVICE ON C.A.NO.80-1236-A AND NOW THAT HE HAS LONG AGO QUASHED THAT ACTION AND WE WERE CITED FOR HAVING TRIED TO FILE THAT ACTION WE ARE ENTITLED TO A SHOW CAUSE TRIAL WITH COURT APPOINTED COUNSEL. IF THE COURT COULD HAVE CONVICTED US IT WOULD HAVE TRIED US IN AUGUST 1980 WHEN THE SHOW CAUSE ORDER WAS ISSUED.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

JAMES E.PATTERSON,PETITIONER/APPELLANT

V.

OTIS J.ABERNATHY,RALPH JOHNSON, JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT, JOHN HINCHEY,WESLEY BOYD,NEIL GUNTER,RESPONDENTS/APPELLES

IN RE:C.A.NO.79-106-N

JAMES E.PATTERSON,PETITIONER/APPELLANT

V.

JAMES LEWIS,OTIS ABERNATHY,RALPH JOHNSON,KENNETH GORDON,THEODORE FRANKEL,HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER;WESLEY BOYD & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. RESPONDENTS/APPELLES.

IN RE:C.A.NO.80-1236-A

NOTICE OF INTENT TO APPEAL

I,JAMES E.PATTERSON,APPELLANT IN THE ABOVE-STYLED CASES HEREBY - SERVES NOTICE OF INTENT TO APPEAL TO THE U.S.SUPREME COURT THIS --- COURT'S REFUSAL TO GRANT APPELLANT'S SHOW CAUSE TRIAL AS PROVIDED FOR BY SECURED RIGHTS OF THE FIFTH,SIXTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION.

2.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL'S THIS COURT'S REFUSAL TO GRANT US A HEARING TO SHOW THAT FED R CIV P RULE 65(a(1) DOES NOT EMPOWER DISTRICT COURTS TO GRANT PERMANENT INJUNCTIVE RELIEF BASED SOLELY ON UNSWORN "FACTS"WHEN WE HAD PETITIONED THE COURT FOR OUR SECURED CONSTITUTIONAL RIGHT TO A HEARING ON THE DEFENDANT'S APPLICATION FOR PERMANENT INJUNCTIVE RELIEF WHICH THEY ASKED TO BE GRANTED "WITHOUT ORAL ARGUMENT" AND SO IT WAS DONE. THE DISTRICT COURT HELD IN DISMISSING C.A.NO.C80-1236-A THAT WE HAD NO RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) AND THIS COURT DID AFFIRM SUCH A FALSE RULING.

3.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL TO THE SUPREME COURT THIS COURT'S REFUSAL TO ENTER A RULING ON OUR SECURED RIGHTS TO --- COURT APPOINTED COUNSEL WHEN CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE AND WHEN WE HAVE ESTABLISHED OUR POVERTY CONDITION SHOWING THAT WE LACK THE MONEY WITH WHICH TO RETAIN PRIVATE COUNSEL.SECTION 706(f) TITLE VII - CIVIL RIGHTS ACT-1964[42 USC # 2000c-5(f)(1)---- CASTON V.SEARS,ROEBUCH & CO,HATTIESBURG,MISS.(5TH CIR 1977) 556 F2D 1305

SUPREME COURT RULE # 13 REQUIRES APPELLANT TO DOCKET HIS APPEAL "NOT MORE THAN NINETY DAYS AFTER ENTERY OF THE JUDGMENT APPEALED FROM." THE DATE OF ENTRY OF THE JUDGMENT APPEALED FROM IS JANUARY 28,1981.

BOTH THIS COURT AND THE DISTRICT COURT ORDERED THE CLERKS AND THE DEFENDANTS NOT TO RESPOND TO ANY MOTION,OR OTHER PLEADING,FILED BY US WITH ANY COURT REVELANT TO THIS MATTER.THEREFORE,WE SHALL NOT SERVE THE DEFENDANTS WITH A COPY OF THIS "NOTICE OF INTENT TO APPEAL" BECAUSE THEY ARE UNDER A FEDERAL COURT ORDER NOT TO RESPOND TO OUR FURTHER EFFORTS TO REALIZE OUR CONSTITUTIONAL RIGHTS.

FED R CIV P RULE 65(d) REQUIRES THAT AN INJUNCTION BE A SEPARATE JUDGMENT FROM THE COURT'S MEMORANDUM OPINION OR ORDER AND THAT SAID INJUNCTION MUST BE SERVED WITH A NOTICE AND IF SUCH REQUIREMENTS ARE NOT ADHERED TO THEN THE "INJUNCTIVE RELIEF" GRANTED BY THE COURT-DENIES DUE PROCESS.

James E Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 2.25.81.

IN UNITED STATES SUPREME COURT
WASHINGTON, D.C.

JAMES E. PATTERSON, PETITIONER

V.

OTIS ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS SCHACHT(SHOT), JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER & RALPH JOHNSON AND ALL BONDING COMPANIES COVERING ABOVE RESPONDENTS
RESPONDENTS

C.A.NO.79-106-N

JAMES E. PATTERSON, PETITIONER

V.

OTIS J. ABERNATHY, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, RALPH JOHNSON, WILLIAM E. HOFFMAN, JR., & JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA
RESPONDENTS

C.A.NO.80-1236-A

PETITION FOR ALLOWANCE OF AN APPEAL

PETITION IS HEREBY MADE BY JAMES E. PATTERSON, PRO SE, 1004 VERNON STREET, LAGRANGE, TROUP COUNTY, GEORGIA, 30240 FOR ALLOWANCE OF AN APPEAL FROM THE JUDGMENT OF THE DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA ENTERED ON OCTOBER 21, 1980 FINDING PETITIONER AS GUILTY OF CIVIL CONTEMPT WITHOUT AFFORDING HIM EITHER COUNSEL OR A TRIAL AND FROM THE FIFTH CIRCUIT COURT OF APPEALS ORDER ENTERED ON JANUARY 28, 1981 AFFIRMING THAT DISTRICT COURT ORDER IN FAVOR OF ALL ABOVE RESPONDENTS.

PETITIONER ADVISES THAT THE FIFTH CIRCUIT COURT OF APPEALS DID - AFFIRM THE DISTRICT COURT'S ORDER BY REFUSING TO GRANT US SECURED SIXTH AMENDMENT RIGHTS TO COUNSEL AND A SPEEDY TRIAL ON PENDING -- CIVIL CONTEMPT CHARGES AND BY REFUSING TO ENTER A RULING REVELANT TO EX PARTE MOTION TO DISMISS CASE NO. C80-1236-A.

PETITIONER FURTHER INFORMS THIS COURT THAT THE DISTRICT COURT ORDER MUST BE READ WITH INTENT IN WHICH IT IS WORDED TO DETERMINE THAT THE DISTRICT COURT NEVER INTENDS TO AFFORD US A CIVIL CONTEMPT TRIAL IN THAT COURT "BEMOANS "THE FACT THAT IT LACKS THE POWER TO ENFORCE ITS INJUNCTIVE SUPPRESSION ORDERS WHICH IS NOT TRUE IF SAID ORDER IS VALID AND IF THE COURT IS WILLING TO TRY US FOR HAVING VIOLATED ITS "INJUNCTIVE SUPPRESSION ORDER" SEE, EXHIBITS NOS. 1 & 2.

DATED: 3-6-81.

RESPECTFULLY SUBMITTED,
James Patterson
JAMES E. PATTERSON, PRO SE
LAGRANGE, GEORGIA 30240

A.

1. SPEEDY TRIAL. "SPEEDY TRIAL,WHICH IS ONE OF THE MOST BASIC -- RIGHTS PRESERVED BY CONSTITUTION CANNOT BE COMPLETELY DIVORCED FROM THE PANOPLY OF RIGHTS EMBRACED BY DUE PROCESS." U.S.C.A.CONST.AMENDS. 6-14 U.S.V.WILLIAMS 558 F.2D 224(C.A.TEX.1977).

A PERSON ORDERED ON AUGUST 7,1980 TO "SHOW CAUSE" WHY HE SHOULD NOT BE"JUDGED IN CONTEMPT OF THIS COURT"AND WHO THEN FILES FOUR(4) MOTIONS ASKING FOR A TRIAL,BUT SAID MOTIONS WERE IGNORED,HAS NOT BEEN AFFORDED DUE PROCESS WHEN IN MARCH 1981 HE STILL HAS NOT BEEN AFFORDED A TRIAL.

IT IS ALSO TRUE THAT JUDGE JAMES HILL COVERED UP FOR THE REFUSAL OF THE DISTRICT COURT TO AFFORD US A TRIAL BY RULING THAT THE FIFTH CIRCUIT COULD NOT RULE UNTIL AFTER A CONTEMPT TRIAL AND THEN WHEN WE ASKED FOR RECONSIDERATION JUDGE HILL RULES THAT OUR PLEADING IS "ALMOST UNINTELLIGIBLE"AND THE IMPLICATION WAS THAT IF WE - CANNOT COMPREHEND YOUR PLEADINGS WE CANNOT RULE UPON THEM.

2. EX PARTE MOTIONS. "EX PARTE COMMUNICATIONS SHADOW THE IMPARTIALLY OF ANY JUDICAL PROCEEDING AND SUCH CONDUCT CONSTITUTES DEPRIVATION OF DUE PROCESS OF LAW."

SO,WHEN JUDGE SHOOB AND JUDGE MOYE SECRETLY COMMUNICATED WITH DEFENDANT HOFFMAN TO ASK HIM TO FILE A MOTION QUASHING MARSHAL'S SERVICE ON THE DEFENDANTS FOR CASE NO.C80-1236-A THEY VIOLATED OUR RIGHT TO DUE PROCESS OF LAW.

JUDGE HILL RULED ON DECEMBER 29,1980 THAT OUR APPEAL OF THAT MISCONDUCT "WAS NOT TIMELY" AND THAT SAID PLEADING "WAS ALMOST UNINTELLIGIBLE" AS HE COVERED UP FOR THE DISTRICT COURT WHICH WAS DOING AN A-1 JOB OF COVERING UP FOR JUDGE HENDERSON.

3. SUPPRESSION OF EVIDENCE. "GENERAL RULE REGARDING SUPPRESSION OF MATERIAL EVIDENCE IS THAT SUPPRESSION,BY PROSECUTION,OF EVIDENCE FAVORABLE TO ACCUSED VIOLATES DUE PROCESS WHERE EVIDENCE IS RE---- QUESTED BUT DENIED BY THE COURT."

JUDGE HENDERSON PERMITTED THE DEFENDANTS TO DESIGN A PRE-TRIAL ORDER THAT DENIED OUR RIGHT OF ACCESS TO 127 EXHIBITS & DOCUMENTS IN THEIR POSSESSION WHICH THEY HAD PREVIOUSLY UTILIZED AGAINST US IN - OUR ABSENCE AND THEY STILL CLAIM OUR SIGNATURES APPEARS ON EACH.TO MAKE THAT FRAUDULENT ORDER "LEGAL",OR "VALID"HENDERSON STATES THAT "OUR" "PHANTOM ATTORNEY" AGREED TO THE TERMS OF HIS FRAUDULENT ORDER AND NO LAWYER REPRESENTED US WHEN THIS MATTER WAS IN HENDERSON'S COURT.

THEN JUDGE TIDWELL DISMISSED CASE NO.C79-106-N AND ORDERED THE SUPPRESSION OF EVIDENCE REVELANT TO JUDGE HENDERSON AND HIS FRAUDULENT PRE-TRIAL ORDER AND HE CITED US ON AUGUST 7,1980 FOR IGNORING HIS SUPPRESSION ORDER WHEN WE TRIED TO FILE CASE NO.C80-1236-A.

4. SUPPRESSION OF EVIDENCE."IRRESPECTIVE OF THE GOOD FAITH OR BAD FAITH OF THE PROSECUTION,IT IS A VIOLATION OF DUE PROCESS FOR THE PROSECUTION/GOVERNMENT TO SUPPRESS EVIDENCE FAVORABLE TO THE ACCUSED" U.S.C.A.CONST.AMEND.5-14- LEWINSKI V.RISTAINO (D.C.MASS.1978) 448F. SUP.690. CONSIDER 127 DOCUMENTS WITH OUR SIGNATURES THEREON.

JUDGES HENDERSON AND TIDWELL COMPLETELY WIPED OUT OUR DISCOVERY RIGHTS REVELANT TO CASES NOS.C78-31-N,C78-47-N AND C79-106-N RESPECTIVELY AND SO DID JUDGE SHOOB WITH CASE NO.C80-1236-A BEFORE HE AND HOFFMAN CONSPIRED TO SECRETLY DISMISS IT.

5. IMPARTIAL."DUE PROCESS REQUIRES THAT COURT BE IMPARTIAL" SEE, (PER WINTER,CIRCUIT JUDGE,WITH ONE JUDGE CONCURRING IN PART) U.S. V.KARNES (C.A.VA. 1976) 531 F.2D 214.

NO HONEST PERSON COULD POSSIBLY - READ THE FOREGOING AND THEN CONCLUDE THAT EITHER JUDGES HENDERSON,OR TIDWELL,OR SHOOB,OR VINING IS IMPARTIAL REVELANT TO THIS MATTER.

6. PERJURED OR FALSIFIED EVIDENCE. "KNOWING USE OF PERJURED TESTIMONY BY PROSECUTION DENIES DUE PROCESS" U.S.V.ANDERSON (C.A.GA.1978); STREET V.WARDEN,MARYLAND PENITENTIARY. [D.C.MD.1976] 423 F.SUPP. 611.

WELL,THE GOVERNMENT'S AGENT NAMELY,JUDGE HENDERSON,FALSIFIED A PRE-TRIAL ORDER FOR THE SOLE PURPOSE OF CONTROLLING TWO (2) FEDERAL COURT JUDGMENTS AND TO KEEP HIS FRAUDULENT ORDER NO.C77-6-N FROM - BEING EXPOSED AS A FRAUD.

JUDGE TIDWELL FALSIFIED HIS ORDER FOR CASE NO.C79-106-N BY FALSELY ALLEGING THAT SAID CASE WAS BASED ON SAME CLAIMS SET -- FORTH IN HENDERSON'S COURT,SPECIFICALLY,CASES NOS.C78-31-N AND C78-47-N.

JUDGE VINING FALSELY CERTIFIED TO JUDGE HILL AND THE FIFTH CIRCUIT THAT WE HAD FAILED TO APPEAR AT A COURT ORDER TRIAL ON -- SEPTEMBER 3,1980,BUT HIS ORDER ATTACHED HERETO SHOWS THAT HE CANCELED SAID HEARING ON SEPTEMBER 2,1980.

JUDGE SHOOB RESORTED TO THE PERJURY THAT THE BANK HAD RETURNED OUR FILING FEE CHECK FOR CASE NO.C80-1236-N FOR "INSUFFICIENT - FUNDS" IN ORDER TO STALL FOR TIME UNTIL HOFFMAN COULD SUBMIT AN EX-PARTE MOTION TO QUASH MARSHAL'S SERVICE ON THAT ACTION.

HOFFMAN'S EX PARTE MOTION WAS 100% PERJURY AND SHOOB KNEW AS MUCH YET HE ACCEPTED PERJURY IN AN EX PARTE MOTION AS "TRUTH"

THE FIFTH CIRCUIT REFUSED TO RULE ON OUR PLEADING FOR COURT APPOINTED COUNSEL,A SPEEDY CONTEMPT TRIAL AND WHETHER CASE NO.C80-1236-A SHOULD BE DOCKETED ON THE PERJURED ALLEGATIONS THAT OUR PLEADING "WAS NOT TIMELY" AND "WAS ALMOST UNINTELLIGIBLE"

7. EVIDENCE;WITNESSES. "RIGHT OF MOVANT TO SUBPOENAE WITNESSESIS IS RIGHT AFFORDED BY SIXTH AMENDMENT GUARANTEE OF COMPULSORY PROCESS" U.S.C.A.CONST.AMEND.6-(C.A.TEX.1978) THOR V.U.S. 574 F.2D215.

WELL,JUDGE HENDERSON FORCED US TO A TRIAL AFTER HE HAD

7. EVIDENCE;WITNESSES. QUASHED ALL OF OUR SUBPOENAED WITNESSES.

THEIR WERE THREE (3) PERSON SERVING ON THE COMMISSION'S HEARING --- PANEL WHEN IT HEARD THIS MATTER PUBLICLY ON JULY 16,1976 AND WHEN WE TRIED TO SUBPOENAE THEM FOR "TRIAL?" OF CASES NOS.C78-31-N AND C78-47-N JUDGE HENDERSON QUASHED THOSE SUBPOENAED MATERIAL WITNESSES. WE SET THIS CLAIM IN CASE NO.C79-106-N AND JUDGE TIDWELL FALSELY RULED THAT IT WAS A CLAIM IN HENDERSON'S COURT. IT WAS NOT.

8. ACCESS TO THE COURTS. "THE RIGHT TO PETITION GOVERNMENT FOR REDRESS OF GRIEVANCES IS GUARANTEED AS AN ELEMENT OF DUE PROCESS" U.S.C.A. CONST.AMENDS. 1-5-14- HALL V.STATE OF MD.(D.C.MD.1977) 433 F.SUPP.756.

A PRO SE HAS NO RIGHTS IN THE DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. THE COURT EVEN REFUSES TO AFFORD OUR RIGHT TO A"SHOW CAUSE"CONTEMPT CHARGE ISSUED ON AUGUST 7,1980.HOW CAN ONE COMPLY WITH A "SHOW CAUSE"ORDER WHEN THE COURT VIOLATES HIS RIGHTS OF ACCESS TO THE COURTS AND A CONTEMPT TRIAL?

WE TRIED TO PETITION THE FIFTH CIRCUIT FOR REDRESS OF THE ABOVE GRIEVANCES BUT JUDGE HILL COVERED UP FOR THE DISTRICT COURT BY HIDING BEHIND THE EXCUSES THAT OUR PLEADING "WAS NOT TIMELY" AND --- "WAS ALMOST UNINTELLIGIBLE"

9. EMPLOYMENT DISCHARGE. "WHERE EMPLOYMENT DISCHARGE DEPRIVES EMPLOYEE OF INTEREST IN LIBERTY BECAUSE DISCHARGE IMPOSES UPON EMPLOYEE STIGMA WHICH FORECLOSES FUTURE EMPLOYMENT OPPORTUNITIES ,EMPLOYEE,TO MEET DUE PROCESS,MUST BE ACCORDED HEARING WITH SOME MEASURE OF PROCEDURAL DUE PROCESS" U.S.C.A. CONST.AMENDS.5-14-GIORDANO V.ROUDEBUSH (D.C.IOWA 1977) 448 F.SUPP.899.

A PERSON EMPLOYED BY THE SAME SCHOOL BOARD FOR 30 YEARS IS NOT AFFORDED DUE PROCESS WITH A ONE SENTENCE LETTER ADVISING HIM"YOUR "EMPLOYMENT CONTRACT" HAS NOT BEEN RENEWED FOR SCHOOL YEAR 1975-1976" A TEACHER IS EMPLOYED ONLY BY AN "EMPLOYMENT CONTRACT" AND WHEN --- SAID SCHOOL BOARD VOTES IN APRIL NOT TO RENEW THAT "EMPLOYMENT CONTRACT" FOR THE ENSUING SCHOOL YEAR THAT NON-RENEWED "EMPLOYMENT CONTRACT" TERMINATES THE EMPLOYMENT OF SAID TEACHER. SO IT WAS DONE.

IT IS SAD THAT JUDGE HILL DENIED US A RULING ON THIS ISSUE ON HIS ASSERTED GROUNDS THAT OUR PLEADINGS WERE "NOT TIMELY" AND"WERE ALMOST UNINTELLIGIBLE"

"DUE PROCESS CLAUSE APPLIES TO TERMINATION OF EMPLOYMENT CONTRACTS SINCE THEY ARE STATUTORILY CREATED PROPERTY INTEREST WITHIN THE MEANINGOF THE FIFTH AND FOURTEENTH AMENDMENTS"U.S.C.A.CONST. AMENDS.5-14- DRUMRIGHT V.PADZIESKI (D.C.MICH.1977) 436 F.SUPP.10. A ONE SENTENCE LETTER TERMINATING A PERSON"EMPLOYMENT CONTRACT" IN NO WAY AFFORDS THAT DEFRAUDED PERSON DUE PROCESS OF LAW.

10. "ALTHOUGH EMPLOYER MAY BE ENTITLED TO DISCHARGE EMPLOYEE FOR ANY REASON,DUE PROCESS REQUIRES HEARING WHERE EMPLOYER STIG-- MATIZES PERSON AS MENTALLY ILL,FRAUDULENT,OR UNTRUTHFUL." SEE,U.S.C. A CONST. AMEND.14- OSMER V.MOILES (D.C.MICH.1975) 409 F.SUPP.675.

WELL,DEFENDANT ABERNATHY CLAIMED PUBLICLY THAT THIS 30 YEAR VETERAN EMPLOYEE OF THE TROUP CO.BD.OF ED. WAS MENTALLY ILL,DIS-HONEST,NOT RELIABLE,AND A FRAUDULENT CHARACTER.

DEFENDANT ABERNATHY AND HIS LAWYER,DEFENDANT LEWIS,CLAIMS THAT EVIDENCE WAS DEDUCED BEFORE THE COMMISSION THAT SHOWED THIS - PARTY WAS MENTALLY ILL AND FOR THAT REASON THE BOARD HAD A RIGHT TO FIRE HIM.

DEFENDANT ABERNATHY RELEASED THE LIE TO THE NEWS PAPERS -- THAT THIS PARTY WAS CONVICTED AS A "LIAR UNDER OATH"FOR DENYING -- THAT HIS SIGNATURES APPEARED ON SPECIFIC EXHIBITS AND DOCUMENTS AND THE HEARING RECORD CLEARLY REVEALS THAT THIS PARTY WAS NOT CONFRON-ED ON CROSS-EXAMINATION REVELANT TO "ABERNATHY'S SPECIFIC EXHIBITS" DEFENDANT ABERNATHY'S LIES RELEASED TO THE NEWS MEDIA VERY EFFEC-TIVELY CLOSED THE JOB MARKET TO THIS PRO SE SINCE 1976.

NEVERTHELESS,JUDGE VINING ENTERED AN ORDER ON OCTOBER 2, 1980 JUDGING US GUILTY OF CONTEMPT WITHOUT A TRIAL AND IN SAID OR-DER HE EXPRESSED THE OPINION THAT ABERNATHY AND HIS "PLAYMATES" NEEDED PROTECTION FROM BEING SUED BY THIS PRO SE AND SO JUDGE VINING ORDERED THAT NEITHER ABERNATHY OR ANY OTHER DEFENDANT WOULD ANSWER A SUIT FOR FALSE CONTEMPT CHARGES FILED BY US UNLESS SAID COMPLAINT WAS ACCOMPANIED BY AN ORDER FROM HIS COURT DEMANDING THAT DEFENDANT ABERNATHY AND OTHER DEFENDANTS ANSWER SAID COMPLAINT. SUCH MISCON-DUCT SHOWS COLLUSION,CONSPIRACY.WRONG USE OF FEDERAL POWER AND A DISHONEST FEDERAL JUDGE.

ADDENDUM

THE COURT ISSUED A SHOW CAUSE order WHY I SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT ON MOTION BY DEFENDANTS IN CASE NO.C79-106N ON AUGUST 7,1980.

2.

THE COURT HAS IGNORED FOUR (4) PRO SE MOTIONS SEEKING A SHOW CAUSE TRIAL WITH OR WITHOUT COURT APPOINTED COUNSEL SINCE AUGUST 7,1980.

3.

I UNDERSTAND THAT: "JUDGMENT OF CIVIL CONTEMPT,BEING REMEDIAL IN NATURE STANDS OR FALLS WITH VALIDITY OR INVALIDITY OF ORDER CHALLENGED (C79-106-N) ,AND OPPOSING PARTY SHOULD BE COMPENSATED IF HE WAS ENTITLED TO THE ORDER." SEE, LEWIS V.S.S.BAUNE (C.A.LA.1976) 534 F.2D 115.

4.

SO,LET US REVIEW THE ORDER (C79-106-N) THAT I MUST INVALIDATE TO SHOW THAT I WAS ENTITLED TO THE JUDGMENT FOR ORDER NO.C79-106-N AND THAT I HAVE NOT VIOLATED A VALID SUPPRESSION ORDER WHICH WAS TACKED ON TO DISMISSAL OF THE ORDER FOR NO.C79-106-N. THAT SUPPRESSION ORDER WAS CALLED AN "INJUNCTIVE CLAUSE",BUT IT IN NO WAY COMPLIED WITH FED R CIV P RULE 65(d) REVELANT TO AN INJUNCTION BEING A SEPARATE JUDGMENT BASED ON SWORN TESTIMONY OR RESULTS OF A HEARING.

5.

C.A.NO.79-106-N NAMES NINE (9) DEFENDANTS WITH ME AS THE PLAINTIFF,PRO SE. IT WAS FILED ON DECEMBER 3,1979.

6.

WHAT BROUGHT ON CASE NO.C79-106-N? WELL,I HAD OPPOSED THE SAME DEFENDANTS AS A PRO SE IN CASES NOS.C78-31-N AND C78-47-N,BOTH UNDER JURISDICTION OF JUDGE ALBERT HENDERSON.

7.

JUDGE HENDERSON CONSPIRED WITH THE DEFENDANTS TO CONTROL THOSE TWO JUDGMENTS BY MEANS OF A FRAUDULENT PROTECTIVE ORDER. See, Exhs. 3 and 4

8.

THE JUDGE PERMITTED THE DEFENDANTS TO DRAFT A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY MY RIGHT OF ACCESS TO 127 EXHIBITS - WHICH THEY HAD PREVIOUSLY UTILIZED AGAINST ME CLAIMING THAT ALL 127 BEARED MY SIGNATURES AND THEY FALSELY STATED THAT "MY ATTORNEY"AGREED TO THE PROVISIONS OF THEIR FRAUDULENT P.O. no 3 and 4

9.

NO ATTORNEY REPRESENTED THIS PARTY WITH CASES NOS.C78-31-N & C78-47-N.THEREFORE,WHEN HENDERSON SIGNED THAT FRAUDULENT P.O. HE DID SO KNOWING THAT IT WAS A LIE AND THAT HIS SIGNATURE ON THAT LIE MADE HIM GUILTY OF CONSPIRING WITH THE DEFENDANTS.

10.

JUDGE HENDERSON QUASHED ALL OF MY SUBPOENAES TO TAKE DEPOSITIONS AND TO CALL WITNESSES.

THEREFORE, JUDGE HENDERSON FORCED ME TO "TRIAL" WITH CASES NOS. C78-31-N & C78-47-N WITHOUT ANY DISCOVERY RIGHTS, WITHOUT HAVING TAKEN ANY DEPOSITIONS AND WITH NO WITNESSES TO TESTIFY. YOU KNOW, OF --- COURSE, THE RESULTS OF THAT TRAVESTY ON JUSTICE CALLED A "TRIAL."

12.

SO, SINCE HENDERSON STOLE THE JUDGMENTS FOR CASES NO. C78-31-N & C 78-47-N, I SIMPLY FILED CASE NO. C79-106-N AND MADE HIS MISCONDUCT WITH THE DEFENDANTS CLAIMS ON WHICH RELIEF COULD BE GROUNDED.

13.

I CLAIMED IN CASE NO. C79-106-N THAT A CONSPIRACY BETWEEN HENDERSON AND THE DEFENDANTS PRODUCED A FRAUDULENT P.O. DESIGNED TO CONTROL THE JUDGMENTS FOR CASES NOS. C78-31-N & C78-47-N.

14.

I ALSO CLAIMED IN CASE NO. C79-106-N THAT MY SIXTH AMENDMENT RIGHTS OF COMPULSORY PROCESS-TO CALL WITNESSES WAS DENIED BY HENDERSON.

15.

I FURTHER DEMANDED IN CASE NO. C79-106-N THAT THE DEFENDANTS BE FORCED TO PRODUCE THE ATTORNEY WHICH THEY AND THE PREVIOUS COURT -- CLAIMED REPRESENTED ME WITH CASES NOS. C78-31-N & C78-47-N.

16.

JUDGE G. ERNEST TIDWELL HAD JURISDICTION OVER CASE NO. C79-106-N, WHICH WAS FILED ON DECEMBER 3, 1979.

17.

I RECEIVED ON FEBRUARY 18, 1980 AN UNDATED ORDER FROM TIDWELL'S COURT REQUIRING THE DEFENDANTS TO MAKE ME AN OFFER OF CONSENT JUDGMENT REVELANT TO CASE NO. C79-106-N.

18.

I FILED A MOTION ASKING TIDWELL TO DATE HIS ORDER REQUIRING THE CONSENT JUDGMENT BECAUSE IT HAD A 90 DAY LIMITATION ON IT.

19.

JUDGE TIDWELL DATED THE CONSENT JUDGMENT ORDER ON MARCH 5, 1980 Exhibit no # 5 AND SENT COPIES TO ALL PARTIES REVELANT TO CASE NO. C79-106-N.

20.

I TRIED TO SET UP A CONFERENCE WITH COUNSEL FOR THE DEFENDANTS, BUT THEY REFUSED TO MEET AS ORDERED BY THE COURT.

21.

THE UNDATED ORDER FOR CONSENT JUDGMENT CAUSED ME TO BELIEVE THAT CASE NO. C79-106-N STATED A VALID CLAIM AND THAT THE ACTION WOULD NOT BE DISMISSED. UNDATED CONSENT ORDER RECEIVED ON FEBRUARY 18, 1980.

22.

THEREFORE, BASED ON THE CONSENT ORDER, I FILED ON MARCH 4, 1980 A MOTION, WITH AFFIDAVIT, FOR SUMMARY JUDGMENT REVELANT TO CASE NO. C79-106-N. ON MARCH 5, 1980, CONSENT ORDER WAS DATED AND MAILED TO ALL -- PARTIES. Exhibit no. 5

SOME OF THE DEFENDANTS HAD RESPONDED TO MY SUMMARY JUDGMENT MOTION BY MARCH 13,1980 ,IN WHICH THEY STATED THEY COULD NOT,AS REQUIRED,CONTROVERT THAT MOTION AND SUPPORTING AFFIDAVIT.

24.

SO,BASED ON THOSE RESPONSES RECEIVED BY ME BY MARCH 13,1980,WHICH WAS ONLY NINE (9) DAYS AFTER IT WAS SERVED ON MARCH 4,1980,I FILED A MOTION FOR JUDGMENT AGAINST ALL NINE (9) DEFENDANTS ON THE LEGAL THEORY THAT IN A CONSPIRACY IF ONE IS GUILTY SO ARE THE OTHERS IN MOST CASES.

25.

JUDGE TIDWELL DISMISSED CASE NO.C79-106-N ON MARCH 20,1980 WHEN FOUR (4) DEFENDANTS HAD NOT RESPONDED TO OUR SUMMARY JUDGMENT MOTION. THOSE FOUR NEVER DID RESPOND.

26.

JUDGE TIDWELL DID NOT ADJUDICATE OUR CLAIM REVELANT TO SUMMARY -- JUDGMENT,AND IN FACT,NEVER MENTIONED IT IN HIS DISMISSAL ORDER FOR C C79-106-N.

27.

JUDGE TIDWELL DID NOT ADJUDICATE OUR MOTION FOR JUDGMENT AGAINST ALL NINE (9) DEFENDANT WHICH WE FILED ON MARCH 13,1980.

28.

JUDGE TIDWELL DID NOT ALTER OR VACATE HIS CONSENT JUDGMENT ORDER ISSSUED ON MARCH 5,1980 IN HIS DISMISSAL ORDER ON MARCH 20,1980.

29.

JUDGE TIDWELL DID NOT ADJUDICATE OUR CLAIM THAT HENDERSON STOLE TWO (2) CASES WITH A FRAUDULENT P.O. IN FACT,HE IGNORED THAT CLAIM AND THE SUPPORTING "ATTACHED EVIDENCE"

30.

JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N DID NOT -- ADJUDICATE OR EVEN MENTION THAT HENDERSON VIOLATED OUR SIXTH AMENDMENT RIGHTS TO CALL WITNESSES.

31.

JUDGE TIDWELL'S DISMISSAL ORDER DID NOT ADJUDICATE OR DID NOT --- EVEN MENTION OUR CLAIM THAT HENDERSON DENIED US A FAIR TRIAL BY --- DENYING US PRE-TRIAL DISCOVERY AND DEPOSITION RIGHTS.

32.

JUDGE TIDWELL'S DISMISSED C.A.NO.79-106-N ON MARCH 20,1980 ON THE FALSE GROUNDS THAT SAID ACTION WAS BASED ON CLAIMS ADJUDICATED IN CASES NOS.C78-31-N & C78-47-N AND WAS THEREFORE BLOCKED BY THE --- DOCTRINE OF RES JUDICATA.

33.

JUDGE TIDWELL ORDERED ALL CLAIMS SET FORTH IN C.A.NO.79-106-N BE SUPPRESSED AND NEVER AGAIN MADE THE SUBJECT MATTER OF A LAWSUIT -- AGAINST THE SAME DEFENDANTS.SO,THE DISHONEST JUDGE DID NOT ADJUDICATE

ANY EVIDENCE REVELANT TO JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS AND ON TOP OF THAT CONSPIRACY RULING HE ORDERED SAID EVIDENCE "FOREVER SUPPRESSED" AND CALLED SAID ORDER AND "INJUNCTION"

34.

I IGNORED HIS SUPPRESSION ORDER AND TRIED TO CLAIM MY LEGAL RIGHT TO EITHER SUMMARY JUDGMENT OR CONSENT JUDGMENT FOR CASE NO.C79-106-N IN COMPLAINT NO.C80-1236-A.

35.

THE COURT FIRST ADVISED THAT I HAD THE RIGHT TO PROCEED WITH CASE NO.C80-1236-A BEFORE EITHER A U.S.MAGISTRATE OR FEDERAL JUDGE. Exhibit #9

36.

C.A.NO.80-1236-A WAS NOT EVER SERVED ON A NAMED DEFENDANT BY THE U.S.MARSHAL.

37.

A WEEK AFTER THE FACT STATED IN PARAGRAPH NO.35 THE COURT HAD ACCEPTED A SECRETLY SUBMITTED EX PARTE MOTION WHICH IT HAD SOLICITED TO QUASH SERVICE ON CASE NO.C80-1236-N. NOW,THE COURT FALSELY CLAIMED THAT OUR FILING FEE CHECK Exh #6 WAS NOT PAID BY THE BANK AND THAT CASE NO.C80-1236-A COULD NOT BE FILED. "COULD NOT BE FILED?" READ PARAGRAPH NO.35 ABOVE AGAIN,PLEASE.

38.

SO,I CAN READILY "SHOW CAUSE"WHY THE DISMISSAL ORDER FOR C.A.NO. 79-106-N IS NOT A VALID ORDER AND BY SO SHOWING I ALSO SHOW THAT I WAS MORE THAN ENTITLED TO THE JUDGMENTS FOR C.A.NO.78-31-N,C.A.NO.78-47-N,C.A.NO.79-106-N AND C.A.NO.C80-1236-A.

39.

ONE MORE FACT WHICH MAKES TIDWELL'S DISMISSAL ORDER FOR C.A.NO.79-106-N EASILY TO INVALIDATE IS THE FACT THAT HE ORDERED US TO PAY THE ATTORNEY'S FEES FOR THE NINE (9) DEFENDANTS ON HIS STATED GROUND THAT WE HAD NOT SUBMITTED TO HIS COURT ANY MITIGATING CIRCUMSTANCES WHICH SHOWED THAT WE COULD NOT,BUT WE HAD PRESENTED TO HIS COURT MEDICAL EVIDENCE THAT WE WERE TOTALLY DISABLED AND THAT OUR INCOME WAS DERIVED FROM SOCIAL SECURITY DISABILITY INSURANCE.

40.

SO,I NEED A LAWYER WHO IS WILLING TO PRESSURE THE COURT INTO -- SETTING THE AUGUST 7,1980 SHOW CAUSE ORDER FOR TRIAL WITH THE UNDERSTANDING THAT THE COURT WILL NEVER PERMIT ME TO PUBLICLY TESTIFY REVELANT TO THIS MATTER BECAUSE MY EVIDENCE DISCREDITS FOUR (4) FEDERAL JUDGES,BUT IF A LAWYER WILL STAY WITH HIS MOTIONS HE WILL NO DOUBT BE REWARDED WITH AN ORDER TO SETTLE THE MATTER OUT OF COURT JUST -- LIKE JUDGE TIDWELL ORIGINALLY ORDERED BEFORE HE WAS BOUGHT.

41.

I AM WELL AWARE OF THE FACT THAT THE DEFENDANTS MUST SHOW THAT JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N IS VALID IF THEY ARE TO PREVAIL WITH THEIR CONTEMPT CHARGES PENDING AGAINST ME.

Exh. B-1

AT ANY RATE,THE DEFENDANTS IN CASE NO.C79-106-N FILED A MOTION CITING US FOR CIVIL CONTEMPT FOR HAVING VIOLATED THE SUPPRESSION ORDER TACKED ONTO THE DISMISSAL ORDER FOR CASE NO.C79-106-N WHEN WE FILED ,OR TRIED TO FILE,CASE NO.C80-1236-A.

43.

JUDGE TIDWELL ISSUED THE SHOW CAUSE ORDER (Exhibit B-1) ON AUGUST 7,1980. HE THEN DISQUALIFIED HIMSELF FROM HEARING THE ALLEGED CONTEMPT CHARGES. HE ASSIGNED THE MATTER TO THE COURT OF JUDGE ROBERT L.VINING,JR.

Exhibit # A

44.

JUDGE VINING FALSELY CERTIFIED (Exh. # B) TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE HAD FAILED TO APPEAR FOR A CONTEMPT TRIAL AS ORDER ON SEPTEMBER 3,1980,BUT I HAVE AN ORDER (A) SIGNED BY VINING (Exh. A) CANCELLING THAT SCHEDULED TRIAL DATE. THEREFORE,I WOULD EXPECT A LAWYER TO SEEK TO DISQUALIFY VINING ON THE GROUND THAT HIS PERJURY ALLEGED THAT THE DEFENDANTS APPEARED FOR TRIAL ON SEPTEMBER 3,1980,BUT THAT THIS PRO SE DID NOT.

45.

NO COURT IS NOW GOING TO AFFORD ME A CONTEMPT TRIAL AND GIVE ME THE OPPORTUNITY TO DISCREDIT JUDGE VINING AS A LIAR FOR BENEFIT OF THE DEFENDANTS.THEREFORE,IF AN ATTORNEY IS WILLING TO STAY WITH THIS THIS MATTER OF MY RIGHT TO A "SHOW CAUSE CONTEMPT TRIAL"HE WILL BE REWARDED WITH AN ORDER FROM THE COURT TO SETTLE THIS MATTER OUT OF COURT.

46.

JUDGE MARVIN SHOOB CONSPIRED (→ See, 2nd page of #7) WITH ONE DEFENDANT NAMED IN CASE NO. C80-1236-A TO GET THAT CASE QUASHED.SO,WE HAVE JUDGES HENDERSON,TIDWELL,VINING AND SHOOB WHOM I CAN DISCREDIT WITH "PAPER EVIDENCE"AND FOR THAT REASON LAWYER AFTER LAWYER HAS TOLD ME THAT THIS MATTER OF MY RIGHT TO A "SHOW CAUSE TRIAL"WILL NEVER BE AFFORDED,BUT WILL BE CONCLUDED BY THE COURT ORDERING AN OUT OF COURT SETTLEMENT.

47.

NOW,REVELANT TO THE FEE OF MY ATTORNEY,PLEASE BE ADVISED THAT IN VIEW OF THE FACT THAT THE COURT WITH CASE NO.C79-106-N ORDERED ME TO PAY ATTORNEY'S FEES FOR NINE (9) DEFENDANTS THE GA.LAWYERS REFERRAL SERVICE ADVISES ME THAT AN ATTORNEY REPRESENTING ME CAN GET HIS FEE FROM THE NINE (9) DEFENDANTS.

48.

PERHAPHS I SHOULD ALSO STATE THAT JUDGE VINING ALSO FALSELY CERTIFIED TO THE FIFTH CIRCUIT COURT OF APPEALS THAT I HAD FILED A MOTION TO DISMISS THE SHOW CAUSE ORDER WHY I SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT.I FILED NO SUCH MOTION.I DID FILE FOUR MOTION ASKING FOR A SHOW CAUSE TRIAL. SINCE VINING CANNOT PRODUCE A MOTION FILED BY US TRYING TO DISMISS SHOW CAUSE ORDER DOES HE NOW LET US TAKE THE WITNESS STAND IN A CONTEMPT TRIAL AND PROVED THAT HE LIED TWICE TO THE FIFTH CIRCUIT? NO WAY!

AT ANY RATE,BOTH THE FIFTH AND JUDGE VINING RULED THAT A SHOW CAUSE ORDER COULD NOT BE DISMISSED BY MOTION. SO,IF THE SHOW CAUSE ORDER CANNOT BE DISMISSED THEN I AM ENTITLED TO A SHOW CAUSE TRIAL.

50.

THE DEFENDANTS FILED A MOTION ON OCTOBER 15,1980 SEEKING TO DISMISS THEIR COURT GRANTED SHOW CAUSE ORDER,BUT SINCE BOTH VINING AND THE FIFTH CIRCUIT HAD PREVIOUSLY RULED THAT A MOTION COULD NOT DISMISS A SHOW CAUSE ORDER VINING NEVER ENTERED A RULING ON THEIR MOTION.

52.

I FILED A MOTION OPPOSING THEIR RIGHT TO DISMISS ON THE GROUND THAT FED R CIV P RULE 41(a)(2) PROHIBITS A VOLUNTARILY DISMISSAL IF SAID MOTION HAS BEEN ANSWERED AND I HAD ANSWERED THE SHOW CAUSE ORDER FOUR (4) TIMES BY ASKING FOR A TRIAL.THE COURT NEVER ENTERED AN ORDER ON THEIR MOTION OF OCTOBER 15,1980 TO DISMISS THE SHOW CAUSE ORDER ISSUED AGAINST ME ON AUGUST 7,1980.

53.

MY EVIDENCE REVELANT TO THIS MATTER CONVICTS FOUR (4) FEDERAL JUDGES ON THE CHARGE OF MALFEASANCE IN OFFICE IF IT EVER WENT TO TRIAL-WHICH IS THE REASON IT NEVER WILL GO TO TRIAL.

54.

WHEREFORE,BOTH JUDGE VINING AND THE FIFTH CIRCUIT HAVING RULED - THAT THE SHOW CAUSE ORDER CANNOT BE DISMISSED ON MOTION,I AM ENTITLED TO A TRIAL.WHEN THE GOVERNMENT BACKS OFF FROM TRYING A PARTY - WHICH IT HAS CITED FOR ALLEGEDLY VIOLATING A FEDERAL STATUTE THE -- REASON FOR "THE BACK OFF"IS THAT THAT THE GOVERNMENT KNOWS THAT IT DOES NOT HAVE A CASE AND CANNOT GET A CONVICTION,ACCORDING TO MY LAWYER FRIENDS.

55.

WHEREFORE,PLEASED BE ADVISED THAT THIS WILL BE A "DIRTY CASE"AND I EXPECT TO BE ACCUSED OF EVERY ADVERSE ACT KNOWN TO AN UNDESIRE---- ABLE CITIZEN.

56.

WHEREFORE,FEDERAL STATUTE 18 USC # 401-HOLDS THAT :"IN CIVIL CONTEMPT PROCEEDING AGGRIEVED PARTY INSTITUTES AND CONTROLS LITIGATION WHILE COURT INITIATES CRIMINAL CONTEMPT PROCEEDING",WE ADVISED THE DEFENDANTS IF THEY DID NOT MOVE THE COURT TO TRY THEIR CONTEMPT CHARGES AGAINST US THAT WE WERE GOING TO FILE SUIT FOR THEIR INITIATING FRAUDULENT CHARGES AGAINST US.SEE,LA.ED.ASS'N V.RICHLAND PARISH SCHOOL BD.,(D.C.LA.1976) 421 F.SUPP.973.

57.

WHEREFORE,THAT MOTION BROUGHT FROM THE COURT AN ORDER ON OCTOBER 2,1980 RULING THAT THE DEFENDANTS DID NOT HAVE TO MOVE THE COURT TO TRY US ON THEIR INSTITUTED CONTEMPT CHARGES AND DID NOT HAVE TO ANSWER A COMPLAINT FILED BY US AGAINST THEM ALLEGING FALSE CHARGES

HAD BEEN FILED AGAINST US BY THE DEFENDANTS. I BELIEVE THAT IT IS CORRECT TO SAY THAT WITH THAT ORDER JUDGE VINING PROVED BEYOND A REASONABLE DOUBT THAT HE WAS MISUSING FEDERAL POWER TO PROTECT THE DEFENDANTS FROM BEING PROSECUTED ON A FALSE CHARGE ALLEGATION. IT IS REPEATEDLY POINTED OUT TO ME THAT VINING CONSPIRED WITH THE DEFENDANTS NOT TO AFFORD ME A CONTEMPT TRIAL AND NOT TO LET ME SUE THEM FOR NOT MOVING THE COURT TO TRY ME.

58.

WHEREFORE,THE FIRST ORDER OF BUSINESS WHEN A LAWYER FILES A MOTION SEEKING TO FORCE THE COURT TO SET THE PENDING CONTEMPT CHARGES FOR A TRIAL DATE IS TO ALSO FILE AN AFFIDAVIT AND CERTIFICATE OF GOOD FAITH TO DISQUALIFY JUDGE ROBERT L.VINING,JR.

59.

WHEREFORE,YOU SHOULD BE ADVISED THAT JUDGE VINING "BEMOANED" THAT HIS COURT LACKED THE POWER TO PUNISH ME FOR WHAT HE DESCRIBED AS AN ACT"VIOLATING A LAWFUL ACT OF THIS COURT" WHICH WAS A REFERENCE TO THE SUPPRESSION ORDER TACKED ON TO JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N-WHICH TIDWELL DEFINED AS AN "INJUNCTION"

60.

WHEREFORE,EVIDENCE PROVES THAT BY CONDUCT CONSTITUTING MALFEASANCE IN OFFICE HENDERSON STOLE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N; TIDWELL STOLE JUDGMENT FOR CASE NO.C79-106-N; SHOOB STOLE JUDGMENT FOR CASE NO.C80-1236-A,AND THEN THEY ALL PUT VINING IN -- CHARGE TO PREVENT US FROM SHOWING VIA A CONTEMPT TRIAL THAT THEY DID CONSPIRE TO STEAL THOSE CITED JUDGMENTS.

61.

WHEREFORE,NO LAWYER REPRESENTING US SHOULD EVER EXPECT HIS MOTION SEEKING A CONTEMPT TRIAL DATE TO BRING FORTH FROM THE COURT ANY -- SUCH REQUEST.BUT HE SHOULD EXPECT AN ORDER REQUIRING THE MATTER TO BE SETTLED OUT OF COURT UNLESS YOU THINK THE COURT IS STUPID ENOUGH TO LET ME PUBLICLY TESTIFY AND DISCREDIT FOUR FEDERAL JUDGES.

62.

Cpt. no 4 Cpt. no 3

WHEREFORE, I HAVE A SIGNED AND AN UNSIGNED COPY OF HENDERSON'S FRAUDULENT PROTECTIVE ORDER FALSELY STATING THAT AN ATTORNEY DID REPRESENT US WITH CASES NO.C78-31-N AND C78-47-N. THE DEFENDANTS DRAFTED THE UNSIGNED COPY AND SUBMITTED IT TO HENDERSON FOR HIS SIGNATURE AND HE NEVER EDITED IT,BUT SIMPLY SIGNED IT.HIS SIGNATURE ON THAT FRAUDULENT P.O. READ FROM A WITNESS STAND IMPEACHES HENDERSON FROM THE FEDERAL BENCH. y y xx

63.

WHEREFORE,YOU MUST UNDERSTAND THAT LOCAL RULE # 71.62 REQUIRES AN ATTORNEY ENTERING A CASE TO FILE WITH THE CLERK "NOTICE OF APPEARANCE" SIGNED BY THE ATTORNEY AND CLIENT AND I DID NOT SIGN ANY "NOTICE OF APPEARANCE"CERTIFICATE FOR AN ATTORNEY TO REPRESENT ME WHILE THIS MATTER WAS IN HENDERSON'S COURT.

WHEREFORE, YOU SHOULD UNDERSTAND THAT LOCAL RULE # 71.64 PROHIBITS A PARTY ONCE REPRESENTED BY LEGAL COUNSEL REVELANT TO A CASE TO -- REPRESENT HIMSELF/HERSELF AT TRIAL WITH THAT SAME ACTION.

65.

WHEREFORE, YOU MUST BE INFORMED THAT AT "TRIAL" FOR CASES NOS.C 78-31-N & C78-47-N I ADVISED HENDERSON-THAT LOCAL RULE # 71.64 AND THE PROTECTIVE ORDER PROHIBITED ME FROM PRESENTING MY CASE BECAUSE I TOLD HIM, THAT P.O.ORDER FALSELY STATED THAT AN ATTORNEY HAD APPEARED IN HIS CHAMBERS TO REPRESENT ME REVELANT TO THOSE TWO CASES. "GET ON WITH YOUR CASE BEFORE I GRANT DEFAULT TO THE DEFENDANTS", HE SHOUTED.

66.

WHEREFORE, PLEASE BE FURTHER INFORMED THAT I PROTESTED, "I CAN'T PRESENT MY CASE BECAUSE YOU QUASHED MY SUBPOENAED WITNESSES." "GET ON WITH IT, MR PATTERSON", HE SHOUTED.

67.

WHEREFORE, YOU ARE FURTHER INFORMED THAT I PROTESTED, "YOU DID'NT PERMIT ME DISCOVERY AND DEPOSITION RIGHTS AND THEREFORE I HAVE NO EVIDENCE TO PRESENT." "MR. PATTERSON," HE SHOUTED, "ONE MORE NEGATIVE REMARK AND THIS "TRIAL" WILL BE CONCLUDED". SUCH WERE THE FACTS IN HENDERSON'S COURT ON NOVEMBER 20, 1978.

68.

WHEREFORE, PLEASE BE ADVISED THAT WHEN TIDWELL FALSELY RULED THAT C.A.NO.C79-106-N WAS BASED ON CLAIMS ADJUDICATED IN HENDERSON'S COURT AND WAS THEREFORE BLOCKED BY THE DOCTRINE OF RES JUDICATA, HE WAS CONSPIRING TO COVER UP FOR HENDERSON AND THE DEFENDANTS.

x x x x x x

69.

WHEREFORE, BASED ON EVIDENCE SHOWING MALFEASANCE IN OFFICE OF -- HENDERSON, TIDWELL, SHOOB AND VINING, WE BOTH KNOW THAT MY SIXTH AMENDMENT RIGHT TO A PUBLIC TRIAL ON THE PENDING CONTEMPT CHARGES WILL NEVER BE AFFORDED.

70.

WHEREFORE, IF AN ATTORNEY IS WILLING TO PRESSURE THE COURT FOR A CONTEMPT TRIAL DATE HE WILL BE GRANTED A COURT ORDER REQUIRING THE MATTER TO BE SETTLED OUT OF COURT.

James E. Patterson

JAMES E. PATTERSON
1004 VERNON STREET
LAGRANGE, GEORGIA 30240

DATED: 2/20/81.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

HANS J.SCHACHT,ET AL.

CASE NO.C78-31-N

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

OTIS J.ABERNATHY &
KENNETH L.GORDON

CASE NO.C78-47-N

EXHIBIT SC-1
Please note Date.

PLAINTIFF REFUSES TO SUBMIT A FURTHER BRIEF

THE COURT HAVING REQUESTED AT THE SO CALLED TRIAL FOR THE ABOVE-ENTITLED CASES ON NOVEMBER 20,1978 THAT FINAL BRIEFS BE SERVED ON OR BY NOVEMBER 25,1980 THE PLAINTIFF,PRO SE DECLINES TO COMPLY WITH SAID REQUEST FOR THE FOLLOWING REASONS.

2.

THE COURT HAS ALREADY GRANTED THE DEFENDANTS THE JUDGMENTS FOR BOTH CASES WHEN THE COURT PERMITTED THE DEFENDANTS TO ENTER A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY ALL OF MY DISCOVERY RIGHTS WITH CASES IN WHICH ALL EVIDENCE CITED AGAINST ME BY THE GA. PROFESSIONAL PRACTICES COMMISSION (COMMISSION) CAME FROM 127 EXHIBITS WHICH THE COMMISSION CLAIMS BEARS MY SIGNATURES,BUT THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER REVEALS THAT I WAS NOT CONFRONTED ON CROSS-EXAMINATION RESPECTIVE TO MY ALLEGED SIGNATURES ON THOSE CITED 127 EXHIBITS.

3.

THE P.O.ORDER CITED ABOVE IN PARAGRAPH NO.2 FALSELY STATES THAT AN ATTORNEY REPRESENTED THIS "PLAINTIFF,PRO SE" AT A DISCOVERY CONFERENCE IN THE COURT'S CHAMBERS ON JULY 26,1978,BUT THE JUDGE KNEW WHEN HE SIGNED THAT FRAUDULENT P.O. THAT NO ATTORNEY REPRESENTED US IN ANY SUCH DISCOVERY CONFERENCE AND THAT THIS PRO SE DID NOT ATTEND ANY SUCH DISCOVERY CONFERENCE AS THAT ALLUDED TO BY THE FRAUDULENT P.O.CONTRARY TO WHAT THE P.O.STATES THEIR CAN BE NO "PLAINTIFF,PRO SE"REPRESENTED BY LEGAL COUNSEL.

4.

THE COURT CONSPIRED WITH THE DEFENDANTS TO DENY MY RIGHT OF COMPULSORY PROCESS TO SUBPOENA THE COMMISSION HEARING PANEL THAT HEARD

THIS MATTER IN A PUBLIC TRIAL ON JULY 16,1976 SO THAT I COULD -- HAVE PROVEN BY THEIR TESTIMONY THAT THE COMMISSION'S TRANSCRIPT OF THIS MATTER IS NOT THAT OF THE PUBLIC HEARING.

5.

THE COURT CONSPIRED WITH THE DEFENDANTS TO PREVENT ME FROM TAKING DEPOSITIONS FROM THEM AND THE COMMISSION HEARING PANEL FOR THIS CASE.

6.

THE COURT DENIED ME DUE PROCESS AT THE SO CALLED TRIAL BY RULING THAT I COULD NOT UTILIZE THE COMMISSION'S COPY OF THE HEARING RECORD REVELANT TO THIS MATTER SO THAT I COULD SHOW THAT THE COMMISSION DENIED ME THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION RESPECTIVE TO THE EXHIBITS WHICH THE COMMISSION HAD PREVIOUSLY USED AGAINST ME ------ IN MY ABSENCE.

SC-1

7.

IT IS A TRAVESTY ON JUSTICE WHEN A FEDERAL JUDGE DISHONESTLY --- USES HIS AWESOME POWER TO SIGN AN ORDER WHICH FALSELY STATES THAT A LAWYER REPRESENTED US IN A DISCOVERY CONFERENCE IN CHAMBERS ON JULY 26,1978 WHEN THE COURT KNEW/KNOWS THAT THERE WAS NO SUCH DISCOVERY CONFERENCE AND THAT NO LAWYER REPRESENTED US WITH CASES NOS.C78-31-N AND C78-47-N. NO YOUR HONOR,I A PRO SE CANNOT WRITE A BRIEF THAT -- WILL OVER-COME SUCH A TRAVESTY ON JUSTICE AND SUCH HEINOUS MISCONDUCT BY A FEDERAL JUDGE.

8.

WHEN THE COURT SIGNED THE P.O. IN QUESTION ON AUGUST 8,1978 IT AUTOMATICALLY GRANTED THE DEFENDANTS JUDGMENTS FOR BOTH CASES NOS. C78-31-N & C78-47-N,AND YET,NO.C78-47-N HAD NOT EVEN BEEN DOCKETED ON JULY 26,1978. THE POINT HERE IS THAT THE COURT FALSELY ALLUDED TO A CONFERENCE ON JULY 26,1978 IN HIS P.O.SIGNED ON AUGUST 8,1978.

9.

SOME OF THE DEFENDANTS NEVER APPLIED FOR A PROTECTIVE ORDER,BUT THE COURT MADE THE FRAUDULENT P.O. APPLICABLE TO THEM AND SO ALL OF PRE-TRIAL DISCOVERY RIGHTS WERE DENIED BY THE COURT'S FRAUDULENT P. O.

10.

WITH CONSIDERATION GIVEN TO THE ABOVE DECLARATION OF FACTS,I AM OF THE OPINION THAT THE REASON WHY THE COURT SPENT NOVEMBER 20,1978 SHOUTING AT ME AT THE SO CALLED TRIAL WAS TO BENEFIT THE DEFENDANTS.

11.

WHEREFORE,THE COURT HAVING ALREADY GRANTED THE JUDGMENTS FOR BOTH ABOVE CAPTIONED CASES WHEN IT ENTERED THE FRAUDULENT P.O.ON AUGUST 8,1978,I KNOW THAT I CANNOT CHALLENGE A FRAUDULENT P.O. AND A DISHONEST JUDGE WITH A FINAL BRIEF AND SO FOR STATED REASONS I DECLINE

THE COURT'S REQUEST FOR A FINAL BRIEF. SC-1

12.

WHEREFORE, I AM AWARE OF THE FACT THAT THE COURT CAN CITE FOR ME FOR CONTEMPT WHETHER MY CHARGES DECLARED IN THE FOREGOING OR TRUE OR FALSE, BUT BEFORE I GO TO FEDERAL PRISON FOR CRIMINAL CONTEMPT I WILL BE AFFORDED A PUBLIC TRIAL AND AN OPPORTUNITY TO FORCE THE COURT & DEFENDANTS TO PRODUCE THE ATTORNEY WHOM THEY CLAIMED REPRESENTED THIS CHEATED PRO SE IN JUDGE ALBERT HENDERSON'S COURT REVELANT TO CASES NOS. C78-31-N & C78-47-N.

13.

THE ABOVE STATEMENTS ARE MADE AS A DECLARATION OF FACTS UNDER THE PENALTY FOR MAKING A PERJURED STATEMENT TO A FEDERAL COURT.

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 11-21-78 ✓

BEFORE PROCEEDING FURTHER, SEE NOTICE ON REVERSE SIDE

#8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

James E. Patterson
Plaintiff

v.

Otis J. Abernathy, Ralph Johnson, et al
Defendant

DOCKET NO. C80-1236A

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), the parties to the above-captioned civil matter hereby waive their right to proceed before a judge of the United States District Court and consent to have a United States Magistrate conduct any and all further proceedings in the case (including the trial) and order the entry of judgment.

James Patterson

Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. Section 636(c)(3), unless all parties further consent, by signing below, to take any appeal to a judge (1) of the District Court, in accordance with 28 U.S.C. Section 636(c)(4).

James Patterson

MR. CASTELLANI, SINCE YOU HAVE ALREADY ASSURED BOTH THE COURT AND THIS MUCH ABUSED PRO SE THAT THE ABOVE-ENTITLED ACTION WOULD BE DISMISSED BY YOUR FORTH COMING MOTION TO THAT EFFECT, I STILL OFFER YOU THE CHOICE BY SIGNING THIS DOCUMENT.

NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF IT HAS BEEN EXECUTED BY ALL PARTIES TO THE CASE

Received:
7/25/80
James C. Patterson

you ruled on 8/8/80 that this case was not filed because both dispt pay check. 2-17-81

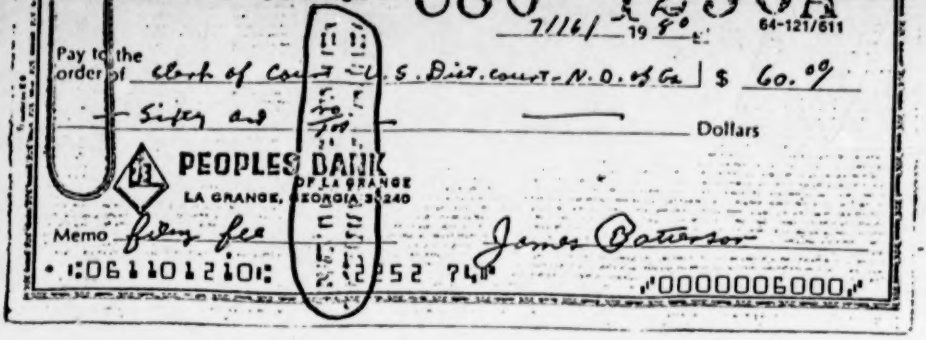
ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to United States Magistrate _____ for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. Section 636(c) and the foregoing consent of the parties.

Judge Shoob first ruled that we had the right to proceed with case no. 80-1236A, but a week later no filing fee was not paid, he said.

7/25/80
DATE

UNITED STATES DISTRICT JUDGE


7116 19 80 64-121/611

Pay to the order of Clerk of Court - U.S. Dist. court - N.D. of Ga. $ 60.00

Sixty and 00/100 Dollars

PEOPLES BANK OF LA GRANGE
LA GRANGE, GEORGIA 30240

Memo filing fee James Patterson

:061101210: 252 748 "0000006000"

EXHIBIT - #7

well, Judge the check was honored and exhibit no. 7 shows that you ruled me had the right to proceed before either a U.S. magistrate or federal judge with case no. C 80-80-1236-A. so you resorted to perjury to give Hoffman time to file an ex parte motion to grant marshals service on the defendants. no one was ever under your jurisdiction because of C 80-1236-A.

federal law 636(c) and 18 USC # 401 required a trial to determine if filing C.A. 80-1236-A violated a suppression order tached on to dismissal order for C.A. 79-106 N and if I had had legal counsel you would have complied with federal law before you resorted to perjury to dismiss C.A. No. 80-1236-A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

ABANDONED -ON- 5/20/80

James C. Patterson)
)
Plaintiff)
)
Vs.)
)
Hans S. Schacht, et al)
)
Defendant)

5
5

CIVIL ACTION NO. 79-106N

NOW, WE HAVE 2 RULINGS OF THE COURT PER 79-106N OR NO 86. THAT THE COURT has ruled that defendants must settle with this party to each a SETTLEMENT OF CLAIMS IN C79-106N WITHIN 90 DAYS.

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE G. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party. See below paragraph no. 8.

The status report shall contain the following information:

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. ✓ Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference. F.R.C.P. Rule 68

Dated this 5th day of March, 1980.

#5

Judge Tidwell ruled orders case no. C79-106-N sealed by Consent Judgment. The defendants refused to be dismissed in 1981

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

#3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON, :
:
Plaintiff, : CIVIL ACTION
: FILE NO. C-78-31N
v. - :
:
HANS-J. SCHACHT, ET AL., :
:
Defendants. :

You refuse to try me for civil contempt because you don't want this fraudulent Judge spread. 5-17-81

Court "order" does not spell "ET. AL.", as this or me word "defendants" ORDER TO-SMALL-SEE-"ORDER", ON OTHERS

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se. Judge Vining, You certified that most of my PLEADINGS had merit. SO, I ask you NOW to stay the hand of my LAWYER for this case.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

DRAFTED-BY:- Jeffery Smith, attorney for the defendants (1)
CHECK "ORDER", "V." not "VERSUS", no comma no. on paper

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that:

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;

2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;

3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and

4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above.

So ordered this the ✓ day of August, 1978.

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

"The defendants are granted - - - -:"
"TO-THE-EXTENT:" DRAFTED-BY-SMITH and submitted to the Court. Smith was told by the Judge:" write your own Protective order and submitted it-TO-THE Court:" HE-DID. THIS-is-it. the signed and dated copy is word for word as this COPY. So, indeed, the defendants did write their own Protection from a pro se.

the next copy is identical except has date + signature with "Jr."

there was no argument. Smith didn't say that I had filed motions to compel discovery

" with all parties being represented by counsel, including the Plaintiff, Pro Se:" that's too much-I-pose. who was my lawyer Judges Tidwell, Vining, Shoob and mogl.

IV you refuse me a contempt trial because item no. III puts you out of Business.

NO-CODE-NUMBERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

FILED IN CLERK'S OFFICE

AUG - 4 1978

BEN H. CARTER, Clerk
By: Deputy Clerk

ORDER

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that:

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

(1) No counsel argued for Patterson on July 26, 1978 so there was no such conference

(1) alone

It was "hereby ordered" for Smith to Draft a Protective Order and submit it to the Court for signature. Then we claim in case no. C78-106N that the Court conspired with defendants by means of a fraudulent Protective order (P.O.) to stay case nos. C78-31N and C78-47-N BUT Tidwell ruled blocked by res Judicata.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above. conspiracy by lying

So ordered this the 4 day of August, 1978.

malpractice

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

SMITH-TYPED NAME- NOT "Jr." so the Judge added "Jr." as his SIGNATURE must be correct and order valid.

Judge Henderson also made this fraudulent pre-trial order applicable to case no. C 78-47 and thus de-legal the Defendants steal bail judgment in for C 78-31-A and C 78-47-A.

NO

MEMORANDUM OF LAW SHOWING THAT

OUR RIGHT TO A SHOW CAUSE CIVIL

CONTEMPT TRIAL IS LONG OVER-DUE

IN THE CASE OF CARBON FUEL CO.V.UNITED MINE WORKERS (C.A.W.VA.1975) 517 F.2D 1348 THE COURT HELD THAT :" CIVIL CONTEMPT PROCEEDING IS A CONTINUATION OF THE MAIN ACTION AND THEREFORE A PARTY CANNOT REVIEW UPON APPEAL AN ORDER FINING OR IMPRISIONING HIM FOR CIVIL CONTEMPT EXCEPT IN CONNECTION WITH APPEAL FROM A FINAL JUDGMENT IN THE MAIN ACTION"

WELL, IT MUST BE AGREED THAT THE COURT AND DEFENDANTS CHARGED THAT WE VIOLATED A SUPPRESSION CLAUSE CONTAINED IN THE DISMISSAL OF THE "MAIN ACTION"WHICH WAS FOR ORDER NO.C79-106-N WHEN WE FILED C.A. NO.80-1236-A.

THE COURT CHARGED THAT OUR EFFORT TO FILE WHAT WOULD HAVE BEEN C. A.NO.80-1236-A VIOLATED AN "INJUNCTIVE CLAUSE"TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N.

THERE WAS NO "INJUNCTIVE CLAUSE"TACKED ON TO C.A.NO.79-106-N DISMISSAL ORDER WHICH WAS BASED ON SWORN TESTIMONY BECAUSE THE DEFENDANTS NEVER FILED ANY SWORN TESTIMONY WITH C.A.NO.79-106-N.

THERE WAS NO "INJUNCTIVE CLAUSE" TACKED ONTO DISMISSAL ORDER FOR C.A.NO.79-106-N BASED ON EVIDENCE DEDUCED AS THE RESULTS OF A HEARING BECAUSE THE COURT DENIED MY RIGHTS BY PROVISION OF FED R CIV P RULE 65(1)(a) FOR A HEARING.

SO, INSTEAD OF THE COURT CLAIMING THAT TRYING TO FILE C.A.NO.80-1236-A VIOLATED AN "INJUNCTION TACKED ON TO DISMISSAL ORDER FOR C.A. NO.79-106-N IT WOULD HAVE BEEN TRUE FOR JUDGE SHOOB TO HAVE RULED THAT C.A.NO.79-106-N CONTAINED A "SUPPRESSION ORDER"BUT HE NEVER MADE ANY ATTEMPT TO DETERMINE IF THE "INJUNCTIVE CLAUSE"WAS IN COMPLIANCE WITH RULE 65(1)(a) & 65(b).

THEREFORE, WE WERE ENTITLED TO A HEARING TO DETERMINE IF WE HAD INDEED VIOLATED AN INJUNCTIVE ORDER BEFORE JUDGE SHOOB DISMISSED OUR EFFORT TO FILE C.A.NO.80-1236-A.

THEREFORE, WHETHER C.A.NO.79-106-N OR C.A.NO.80-1236-A BE CONSIDERED THE "MAIN ACTION"WE WERE ENTITLED TO A SHOW CAUSE TRIAL IN AUGUST, OR SEPTEMBER 1980 AND IF THE COURT BELIEVED THAT IT COULD HAVE CONVICTED US IT WOULD HAVE TRIED US IN AUGUST 1980.

JUDGE VINING ENTERED AN ORDER ON OCTOBER 2,1980 REVELANT TO THE CONTEMPT CHARGES AND HE SHOWED THAT SAID CHARGES RELATED TO THE ORDER FOR C.A.NO.79-106-N.

HE "BEMOANED"THE ALLEGED FACT THAT FEDERAL COURTS LACKED THE POWER TO ENFORCE ITS "LAWFUL ORDERS" WELL, SIR, WE READ THAT : "COURTS HAVE POWER TO ADJUDGE PERSONS WHO WILLFULLY DISOBEY THEIR ORDERS TO BE IN CONTEMPT AND SUCH POWER EXTENDS TO BOTH CIVIL AND CRIMINAL CONTEMPT. TAYLOR V.FINCH (C.A.ARK.1970) 423 F.2D 1277

NOW THAT WE KNOW THAT JUDGE VINING RESORTED TO PERJURY TO AVOID AFFORDING US OUR SECURED RIGHT TO A SHOW CAUSE TRIAL WHY DID HE DO SO?

JUDGE VINING REFUSES TO AFFORD THIS PRO SE A SHOW CAUSE TRIAL BECAUSE AN - "ORDER TO SHOW CAUSE, A WIDELY USED METHOD OF INSTITUTING CIVIL CONTEMPT PROCEEDINGS, IS MERELY A METHOD OF SERVING NOTICE ON PARTY ALLEGEDLY IN NONCOMPLIANCE --- AND DOES NOT --- SHIFT BURDEN OF PROOF FROM PETITIONER --- TO RESPONDENT" AND JUDGE VINING KNOWS THAT THE DEFENDANTS CANNOT SUPPORT THE "SUPPRESSION ORDER" TACKED ONTO DISMISSAL ORDER FOR C.A.NO.79-106-N. LA.ED.ASS'N V. RICHLAND PARISH SCHOOL BD. (D.C.LA.1976) 421 F.Supp.973, AFFIRMED 585 F.2D518.

BOTH JUDGE VINING AND THE DEFENDANTS KNOW THAT WE CAN SHOW VIA A SHOW CAUSE TRIAL THAT WE WERE ENTITLED TO SUMMARY JUDGMENT FOR C.A.NO.79-106-N SINCE FIVE (5) OF NINE (9) DEFENDANTS ADMITTED THAT THEY COULD NOT CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT SERVED ON THEM REVELANT TO C.A.NO.79-106-N. THE OTHER FOUR (4) DEFENDANTS DID NOT BOTHER TO RESPOND TO OUR SUMMARY JUDGMENT MOTION. SO, WHAT IS THE RESULTS OF MY ATTORNEY NOW SHOWING THAT I WAS CHEATED OUT OF THE JUDGMENT FOR C.A.NO.79-106-N?

BOTH JUDGE VINING AND THE DEFENDANTS KNOW THAT WE CAN SHOW AT A SHOW CAUSE TRIAL THAT WE WERE GRANTED A CONSENT JUDGMENT ORDER FOR C.A.NO.79-106-N, BUT THE DEFENDANTS REFUSED TO COMPLY, AND SO SAID ORDER WAS NEVER ALTERED, ADJUDICATED OR VACATED.

JUDGE VINING AND THE DEFENDANTS ARE NOT GOING TO AFFORD US AN OPPORTUNITY VIA A SHOW CAUSE TRIAL TO FORCE THEM TO ADMIT THAT THEY CONSPIRED WITH THE COURT TO CONTROL THE JUDGMENTS FOR BOTH C.A.NOS. 78-31-N & 78-47-N BECAUSE IN SUCH A TRIAL WE WOULD DEMAND THE PRODUCTION OR APPEARANCE OF THE ATTORNEY WHOM THEY CLAIM PROTECTED OUR DUE PROCESS RIGHTS REVELANT TO THOSE TWO CASES AND SINCE I WAS NOT REPRESENTED BY LEGAL COUNSEL ---"THE BURDEN OF PROOF WOULD BE ON THE SHOW CAUSE PETITIONERS" OR DEFENDANTS IN C.A.NO.79-106-N AND C.A.NO. 80-1236-A. WHO WERE THE SAME IN CASE NO.C78-31-N & C78-47-N.

THE COURTS HAVE HELD THAT: "UNITED STATES DISTRICT COURT HAS - RIGHT TO AWARD CIVIL CONTEMPT DAMAGES AND ATTORNEY'S FEES." "TRIAL JUDGE DID NOT ABUSE ITS DISCRETION IN CIVIL CONTEMPT ACTION BY AWARD OF DAMAGES IN THE AMOUNT OF $ 30,000 IN ADDITION TO DAMAGES DEMANDED IN THE MAIN ACTION AND COURT HAD RIGHT TO AWARD ATTORNEY'S FEES OF $ 6,000." FOLK V. WALLACE BUSINESS FORMS, INC. (C.A.N.C. 1968) 394 F.2D 240

THEREFORE, MY NEED IS FOR AN ATTORNEY WHO IS WILLING TO UTILIZE MY FAVORABLE EVIDENCE TO PUT THE PRESSURE ON JUDGE VINING TO EITHER SET THE AUGUST 7,1980 SHOW CAUSE ORDER FOR TRIAL OR TO ISSUE AN ORDER TO SETTLE THE MATTER OUT OF COURT WITH THE UNDERSTANDING THAT SAID ATTORNEY WILL COLLECT HIS FEES FROM THE DEFENDANTS.

HOWEVER, JUDGE VINING TOOK THE POSITION IN HIS ORDER ENTERED ON OCTOBER 2,1980 THAT WE HAD VIOLATED A VALID ORDER REVELANT TO THE SUPPRESSION ORDER TACKED ON TO THE DISMISSAL ORDER FOR C.A.NO.79-106-N.

SO,JUDGE VINING JUDGED US TO BE GUILTY OF CONTEMPT,BUT HE "BEMOANED"THE ALLEGED FACT THAT HE LACKED THE POWER TO PUNISH US OR TO ENFORCE SAID "VALID ORDER" REVELANT TO C.A.NO.79-106-N.

THUS,HE RULED THAT WE COULD NOT BRING SUIT AGAINST THE DEFENDANTS FOR NOT MOVING THE COURT TO BRING THEIR GRANTED SHOW CAUSE ORDER TO TRIAL.HE FURTHER RULED THAT HE WOULD PROTECT THE DEFENDANTS FROM SUCH LAWSUIT BY HIS AUTHORITY UNDER THE "ALL WRITS ACT"- 28 U.S.C. # 1651.HE DOES NOT HAVE ANY POWER UNDER THAT FEDERAL CODE STATUTE ACCORDING TO MY RESEARCH,BUT FOR ME TO SPEND $ 65.00 TO CHALLENGE HIS CONSPIRACY PROTECTION OF THE DEFENDANTS WOULD BE --- STUPID BECAUSE THE COURT HAS CLEARLY DEMONSTRATED TO THIS PRO SE - THAT IT WILL DO WHAT EVER IS NECESSARY TO CONTINUE THE COVER UP FOR JUDGE HENDERSON AND HIS FRAUDULENT PROTECTIVE ORDER WHICH HENDERSON UTILIZED TO STEAL FOR THE DEFENDANTS THE JUDGMENTS FOR C.A.NO. 78-31-N & C.A.NO.78-47-N.

THE EVIDENCE IS AVAILABLE FOR AN ATTORNEY TO UTILIZE TO BRING THIS MATTER EITHER TO A TRIAL OR OUT OF COURT SETTLEMENT.LET'S BE LOGICAL ABOUT THIS SHOW CAUSE ORDER.

SINCE JUDGE VINING IGNORED FOUR (4) PRO SE MOTIONS FOR A SHOW CAUSE TRIAL DOES THE REASONABLE MAN BELIEVE THAT VINING WILL TRY THE CASE WITH AN ATTORNEY REPRESENTING US WHEN HE HAS REFUSED TO TRY US PROCEEDING PRO SE? NO WAY!

THE DEFENDANTS MOST DEFINITELY DO NOT WANT A SHOW CAUSE TRIAL BECAUSE THEY KNOW THAT THEY CANNOT SUPPORT THE COURT GRANTING THEM THE JUDGMENT OF DISMISSAL OF C.A.NO.79-106-N WITH A SUPPRESSION ORDER TACKED ONTO SAID DISMISSAL ORDER. WHAT DID TIDWELL ORDER SUPPRESSED IN HIS DISMISSAL ORDER FOR C.A.NO.79-106-N?

HE ORDERED ALL EVIDENCE REVELANT TO JUDGE HENDERSON AND HENDERSON'S FRAUDULENT PROTECTIVE ORDER FALSELY SHOWING THAT AN ATTORNEY PROTECTED OUR DUE PROCESS RIGHTS "SUPPRESSED"FOREVER,BUT HE CALLED SAID ORDER AN "INJUNCTIVE CLAUSE".

SINCE TIDWELL,SHOOB AND VINING HAVE DISHONESTLY USED THEIR OFFICES OF PUBLIC TRUST TO COVER UP FOR JUDGE HENDERSON IS THERE AN ATTORNEY WHO BELIEVES THAT VINING WILL GRANT US A PUBLIC TRIAL ON THE SHOW CAUSE ORDER?

WE HOPE THE UNIMPEACHABLE FACTS STATED IN THE FOREGOING CONVINCES YOU THAT THIS MATTER TO SHOW CAUSE WILL BE SETTLED OUT OF COURT IF OUR ATTORNEY PUTS THE PRESSURE ON THE COURT TO DISPOSE OF THIS MATTER.

"AWARD OF COSTS OF ATTORNEY'S FEES IN CIVIL CONTEMPT PROCEEDINGS WAS PROPER AND WHOLLY INDEPENDENT OF AWARD OF COMPENSATORY DAMAGES" SHAKMAN V.DEMOCRATIC ORGANIZATION OF COOK COUNTY,(C.A.ILL. 1976) 533 F.2D 344; U.S.V.GREYHOUND CORP.,(D.C.ILL.1974) 370 F.SUPP. 881,AFFIRMED 508 F.2D 529 ; THOMPSON V.JOHNSON (D.C.PA.1976) 410 F.SUPP.633,AFFIRMED 556 F.2D 568, FARBER V.RIZZO,(D.C.PA.1973) 363 F.SUPP.386.

THE COURT IS SO DETERMINED TO COVER UP FOR JUDGE HENDERSON AND THE DEFENDANTS THAT NOT ONLY DID JUDGE TIDWELL IGNORE THAT CONSPIRACY EVIDENCE IN HIS DISMISSAL ORDER FOR C.A.NO.79-106-N WHILE ORDERING THAT NO EVIDENCE SET FORTH BY US IN THAT ACTION BE UTILIZED AGAINST THE DEFENDANTS IN ANOTHER LAWSUIT,BUT JUDGE SHOOB DISMISSED C.A.NO.80-1236-A "WITH PREJUDICE"TO TRY AND CONTINUE THE COVER UP, BUT SHOOB COMPLETELY VIOLATED THE REQUIREMENTS OF RULE 52 WHICH REQUIRED HIM"TO FIND THE FACTS SPECIALLY AND TO ENTER CONCLUSIONS OF LAW BASED ON THOSE FACTS."

THEREFORE,BOTH JUDGES TIDWELL AND SHOOB PROVED BY THEIR ACTIONS THAT THIS CHEATED PRO SE WILL NEVER BE PERMITTED TO PUBLICLY TESTIFY REVELANT TO THE PENDING SHOW CAUSE ORDER.

JUDGE VINING HAS PROVEN SINCE AUGUST 28,1980 WHEN HE CONTINUED THE SHOW CAUSE ORDER TRIAL INDEFINITELY THAT IF HE WAS AFRAID TO TRY US AS A PRO SE WITHOUT REPRESENTATION BY LEGAL COUNSEL THAT HE MOST DEFINITELY WILL NOT TRY THE MATTER WHEN AN ATTORNEY FILES A "NOTICE OF APPEARANCE"TO REPRESENT US REVELANT TO THE SHOW CAUSE - ORDER.

THE FEDERAL APPELLATE COURTS HAVE HELD THAT 18 U.S.C. # 401 - MANDATES THAT: "NATURE OF CONTEMPT CASES REQUIRES THAT THOSE CHARGED WITH VIOLATION OF AN INJUNCTION AS CONTEMPT BE AFFORDED DUE -- PROCESS GUARANTEED BY U.S.C.A.CONST.AMENDS.5-14--- AND THAT"PET---ITIONER (DEFENDANTS IN THIS CASE) IN A CIVIL CONTEMPT TRIAL BEARS BURDEN OF PROVING RESPONDENT (THIS PRO SE) VIOLATED SOME VALID COURT ORDER,ESPECIALLY SO WHEN RESPONDENT DENIES MATERIAL ALLEGATIONS IN PETITIONER'S PLEADING." LA.ED.ASS'N V.RICHLAND PARISH SCHOOL BD. (D.C.LA.1976) 421 F.SUPP.973,AFFIRMED 585 F.2D 518; ADAMS V. SAMPSON(D.C.N.C.1978) 454 F.SUPP.233

THE DEFENDANTS (PETITIONERS FOR THE SHOW CAUSE ORDER) CANNOT SHOW VIA A CONTEMPT TRIAL THAT WE VIOLATED AN INJUNCTION AND JUDGE VINING KNOWS THAT TO BE A FACT WHICH EXPLAINS WHY HE HAS REFUSED TO - TRY US PROCEEDING PRO SE AND WHY HE ENTERED AN ORDER ON OCTOBER 2, 1980 ADVISING ALL PARTIES THAT THE DEFENDANTS DID NOT HAVE TO PROVE THEIR ALLEGED CHARGES AGAINST US AND THAT WE COULD NOT SUE THEM FOR HAVING FILED FALSE CONTEMPT CHARGES AGAINST US.

IT IS ALSO TRUE THAT THE ABOVE CITATIONS SHOW THAT BEFORE JUDGE SHOOB COULD HAVE DISMISSED C.A.NO.80-1236-A WHILE AFFORDING US DUE PROCESS WE WERE ENTITLED TO A TRIAL TO DETERMINE IF TRYING TO FILE C.A.NO.80-1236-A VIOLATED AN INJUNCTION OR SUPPRESSION ORDER TACKED ONTO THE DIS[illegible] ORDER FOR C.A. NO.79-106-N. BUT YOU MUST UNDERSTAND THAT SHOOB COULD NOT AFFORD US DUE PROCESS BECAUSE SUCH A HEARING WOULD HAVE PUBLICLY EXPOSED JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS. THEREFORE, AN ATTORNEY REPRESENTING THIS PARTY IS ASSURED THAT WE ARE ENTITLED TO A TRI[illegible]

2-20-81

DeKalb lawyers urged to help the poor

The president of the American Bar Association has urged DeKalb County lawyers to provide free services to the poor.

William R. Smith Jr. of Tampa, Fla., told a luncheon meeting of the Decatur-DeKalb County Bar Association Thursday that the legal needs of about 20 million poor people were not being met.

"It is in our interest, in the interest of the public and in the interest of the poor that we work on a volunteer basis to serve the needs of the poor," Smith said. "It is an obligation of everyone of a learned profession."

He warned that attorneys shouldn't depend on the federal government to fund programs to meet the needs of the poor because there isn't enough money to go around.

JUDGE TIDWELL DID NOT TACK ONTO HIS DISMISSAL ORDER FOR C.A.NO. 79-106-N AN INJUNCTIVE CLAUSE THAT AFFORDS THE DUE PROCESS RIGHTS IMPLIED BY PROVISIONS OF FED R CIV P RULE 65(a)(1).

HE DID NOT BASE THAT INJUNCTIVE CLAUSE ON EITHER SWORN AFFIDAVITS OR FROM TESTIMONY DEDUCED AT A HEARING AND THE SUPREME COURT HAS HELD THAT: "THE NOTICE REQUIREMENTOF FED R CIV P RULE 65(a)(1) IMPLIES A HEARING IN WHICH THE DEFENDANT (THIS PRO SE) IS GRANTED A FAIR OPPORTUNITY TO OPPOSE THE APPLICATION FOR A PRELIMINARY INJUNCTION AND TO PREPARE FOR SUCH OPPOSITION" SEE, GRANNY GOOSE FOODS V.BROTHERHOOD OF TEAMSTERS AND AUTO TRUCK DRIVERS, LOCAL 70, (1974) 415 US 423,432 NOTE 7,94 SCT 1113 LE2D 435. CHEATED BY A FEDERAL JUDGE

NEITHER CAN AN INJUNCTIVE JUDGMENT BE TACKED ONTO A DISMISSAL ORDER, ACCORDING TO PROVISIONS OF FED R CIV P RULE 65(d), BECAUSE A VALID INJUNCTION MUST BE SERVED WITH A NOTICE AND A DISMISSAL ORDER IS NOT. PASADENA CITY BD.OF EL. V.SPANGLER (1976) 427 US 424,96SCT 2697,49 LE2D 599. THEREFORE, JUDGE SHOOB COMMITTED INTENTIONAL ERROR WHEN HE RULED THAT OUR TRYING TO FILE CASE NO.C80-1236-A VIOLATED A VALID INJUNCTION GRANTED BY JUDGE TIDWELL FOR CASE NO.C79-106-N.

NO, JUDGE TIDWELL DID NOT ISSUE A VALID INJUNCTION WHEN HE ORDERED "SUPPRESSED" THE EVIDENCE REVELANT TO JUDGE HENDERSON'S CONSPIRACY WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER.A "SUPPRESSION ORDER" DENIES DUE PROCESS. CHEATED AGAIN BY A FEDERAL JUDGE.

SO ANOTHER REASON WHY FEDERAL JUDGE VINING HAS REFUSED SINCE --- AUGUST 1980 TO AFFORD US DUE PROCESS RIGHTS TO SHOW VIA A TRIAL WHY WE SHOULD NOT BE JUDGED IN CONTEMPT OF FEDERAL COURT IS BECAUSE HE KNOWS THAT WE CAN SHOW THE DIFFERENCE BETWEEN AN INVALID INJUNCTIVE CLAUSE AN A "SUPPRESSION ORDER" AND THAT THE DEFENDANTS WERE NOT ENTITLED TO EITHER TYPE OF RELIEF.

YOU MIGHT CONSIDER THE FACT THAT WE SERVED A NOTICE AND MOTION FOR AN INJUNCTIVE HEARING BASED ON AN AFFIDAVIT ON APRIL 15,1980, BUT JUDGE TIDWELL HAS NOT UNTIL THIS DATE ENTERED A RULING UPON OUR NOTION AND MOTION. CHEATED.PREJUDICED AND BIASED.

WE STILL CONTEND THAT WE CAN SHOW AT A CONTEMPT TRIAL THAT BASED ON DUE PROCESS RIGHTS IMPLIED BY RULES 65(a)(1) & 65(d) THAT WE WERE ENTITLED TO A HEARING BEFORE JUDGE SHOOB FALSELY RULED THAT CASE NO. 80-1236-A WOULD VIOLATE A VALID INJUNCTION IF OFFICALLY FILED AND SERVED.

IT IS ALSO TRUE THAT WE BASED SHOOB'S JURISDICTION OF CASE NO. 80-1236-A ON OUR RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) FROM TIDWELL'S "SUPPRESSION ORDER"

THEREFORE, AN ATTORNEY NOW ENTERING THIS MATTER TO REPRESENT US TO PRESSURE JUDGE VINING TO SET THE CONTEMPT CHARGES FOR TRIAL DATE SHOULD BE ADVISED THAT VINING WILL NOT NOW PUT THE PETITIONER'S IN THE POSITION OF HAVING TO SUPPORT THE "SUPPRESSION ORDER" GRANTED TO THEM BY JUDGE TIDWELL, BUT IF PRESSURED BY A LAWYER, VINING WILL ORDER THE MATTER SETTLED OUT OF COURT.

WHY DID'NT JUDGE VINING ACKNOWLEDGE JUST ONE OF FOUR (4) MOTIONS FILED BY US SEEKING A SHOW CAUSE CONTEMPT TRIAL EVEN WITHOUT LEGAL COUNSEL TO REPRESENT US? THE ANSWER FOLLOWS.[1]

WHY DID JUDGE VINING STATE IN HIS ORDER ENTERED ON OCTOBER 2,1980 THAT HE WOULD CITE US FOR CRIMINAL CONTEMPT IF WE FILED SUIT AGAINST THE DEFENDANTS FOR HAVING FILED FRAUDULENT CONTEMPT CHARGES AGAINST US INSTEAD OF STATING THAT THEY DID'NT HAVE TO ANSWER ANY PLEADING FILED BY US AND THAT HE WOULD PROTECTED THEM FROM DEFAULT JUDGMENT BY HIS AUTHORITY CITED IN THE ALL WRITS STATUTE,--28 U.S.C. # 1651.

[1] WELL,SINCE VINING FALSELY STATED IN HIS ORDER OF OCTOBER 2, 1980 THAT A FEDERAL COURT LACKED THE POWER TO PUNISH A PARTY FOUND TO BE GUILTY OF CIVIL CONTEMPT THEN THE SAME COURT MUST ALSO LACK THE POWER TO PUNISH FOR CRIMINAL CONTEMPT.
[1]

JUDGE VINING DID NOT ACKNOWLEDGE OUR PRO SE MOTIONS SEEKING A SHOW CAUSE TRIAL WITHOUT LEGAL COUNSEL BECAUSE JUDGE CHARLES MOYE, CHIEF JUDGE,U.S.DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA HAS ISSUED THE ORDER THAT"PATTERSON MUST NOT BE PERMITTED TO PUBLICLY TESTIFY REVELANT TO THIS MATTER FOR TO LET HIM DO SO IMPEACHES --- FEDERAL JUDGES HENDERSON,TIDWELL,SHOOB AND VINING.

WHY DO I NOW WANT A LAWYER TO PRESSURE THE COURT TO SET THE SHOW CAUSE ORDER OF AUGUST 7,1980 FOR A TRIAL DATE?WELL,I KNOW THAT NO TRIAL DATE FOR THIS MATTER WILL BE FORTHCOMING FROM THE COURT, BUT IF THE COURT IS PRESSURED IT WILL ORDER THE MATTER SETTLED OUT OF COURT. IF YOU DOUBT THAT A TRIAL DATE WILL NOT BE SET THEN I ASK YOU TO HONESTLY CONSIDER WHETHER OR NOT THE COURT CAN AFFORD TO PERMIT US TO SHOW BY A PUBLIC TRIAL THAT WE WERE CHEATED OUT OF THE JUDGMENTS FOR C.A.NOS. 78-31-N,78-47-N,79-106-N & 80-1236-A AND THAT WE ARE NOW ENTITLED TO COMPENSATION FOR HAVING BEEN CHEATED OUT OF THOSE JUDGMENTS.

WHY HAS JUDGE VINING REFUSED TO APPOINT COUNSEL FOR THIS INDIGENT PRO SE WHEN HE KNOWS THAT THE CONSTITUTION REQUIRES HIM TO DO "AT THE OUT-SET OF THE CITATION FOR CONTEMPT?" HE HAS REFUSED BECAUSE HE NEVERS INTENDED TO AFFORD US OUR SECURED RIGHT TO GIVE EVIDENCE THAT WOULD IMPEACH FOUR (4) FEDERAL JUDGES.

3-24-81

Supreme Court Ruling Backs Fired Professor

WASHINGTON (AP) — The Supreme Court today left intact a decision forcing four administrators at Troy State University in Alabama to pay a fired professor more than $13,000.

The justices refused to hear arguments that the four officials did not violate Nicholas D'Andrea's free-speech rights when firing him in early 1977.

The school officials argued the statement leading to D'Andrea's firing was not constitutionally protected because it was based on an untrue rumor.

D'Andrea was fired as a geography professor after telling a state legislative aide about a rumor involving Troy State's finances.

The rumor, never proven, was that the university invested about $1 million in cash in the Alaskan pipeline for a quick $400,000 profit.

D'Andrea told the aide the rumor was, indeed, just what he had been told and he identified the source of his information. The professor made no attempt to verify the rumor before telling it to the legislative staff member.

After his firing, D'Andrea sued university president Ralph Adams, vice president Edward Barnett, dean John Long and department chairman Duane Tway. He sought money damages, alleging the firing violated his free-speech rights.

A federal trial jury awarded him $5,000 in damages and nearly $5,000 in court costs, but the presiding judge set aside the jury verdict and ruled for the university officials.

and court costs

The 5th U.S. Circuit Court of Appeals, however, ruled last Sept. 26 that D'Andrea's free-speech rights had been violated. The appeals court reinstated the jury verdict and court costs, including those incurred for D'Andrea's appeal.

costs

I'M NOT ASHAMED TO ADMIT THAT I HAVE ALMOST BEEN CONTROLLED BY MENTAL ANGUISH AND BITTERNESS SINCE THE COURT ORDERED ME TO SHOW CAUSE WHY I SHOULD NOT BE ADJUDGED IN CONTEMPT OF FEDERAL COURT BECAUSE I HAVE BEEN UNABLE SINCE THAT ORDER WAS ISSUED ON AUGUST 7, 1980 TO RETAIN PRIVATE COUNSEL TO PRESSURE THE COURT TO EITHER SET THE SHOW CAUSE ORDER FOR A TRIAL DATE OR TO ISSUE AN ORDER TO SETTLE THE MATTER OUT OF COURT BECAUSE EITHER WAY BOTH AN ATTORNEY AND THIS CHEATED PRO SE WOULD "BE IN THE MONEY."

TO KNOW AS I DO THAT I HAVE THE COURT IN THE UNFAVORABLE POSITION OF NOT BEING FREE TO AFFORD ME A SHOW CAUSE TRIAL UNLESS THE COURT WOULD DARE TO PERMIT MY PUBLIC TRIAL TESTIMONY IMPEACH FOUR (4) - FEDERAL JUDGES ON THE CHARGE OF MALFEASANCE IN OFFICE AND NOT HAVE AN ATTORNEY TO TAKE ADVANTAGE OF MY VERY FAVORABLE POSITION HAS - MADE ME BITTER TOWARD THE 20 LAWYERS WHOM I HAVE PAID THE GA.LAWYER REFERRAL SERVICE FEE OF $ 15.00 PER-HALF HOUR BECAUSE NONE WOULD TAKE MY CASE AND SEEK HIS FEE FROM THE DEFENDANTS,OR WOULD ACCEPT THE CASE ON A CONTINGENCY FEE BASIS,OR WOULD LET ME PAY THEM LIKE I DO MY PROFESSIONAL DOCTORS--- BY THE MONTH.

I'M NOT STUPID AND BECAUSE I'M NOT I KNOW THAT NO JUDGE IS GOING TO LET ME TESTIFY THAT FEDERAL JUDGE,ALBERT HENDERSON,CONSPIRED WITH THE DEFENDANTS TO CONTROL THE JUDGMENTS IN HENDERSON'S COURT FOR CASES NOS.C78-31-N &C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER (P.O.) WHICH FALSELY STATED THAT AN ATTORNEY PROTECTED MY DUE PROCESS RIGHTS IN HENDERSON'S COURT. SEE,EXHIBITS NOS.3 & 4, ATTACHED.

I WOULD HOPE THAT IF I EVER DO RETAIN COUNSEL TO PRESSURE THE -- COURT FOR A SHOW CAUSE TRIAL DATE THAT SAID ATTORNEY WOULD MAKE IT KNOWN TO BOTH THE COURT AND DEFENDANTS THAT WE WILL DEMAND THAT THE DEFENDANTS AND COURT STATE THE NAME OF THE ATTORNEY WHOM THEY CLAIM REPRESENTED US IN HENDERSON'S COURT WITH CASES NOS.C78-31-N & C78-47-N.

IF"MY"ATTORNEY WOULD INCLUDE THAT FACT IN HIS FIRST MOTION SUPPORTING A SHOW CAUSE TRIAL DATE,HE COULD BE ASSURED THAT HE WOULD BE HONORED WITH AN ORDER TO SETTLE THE MATTER OUT OF COURT.

WHY DID JUDGE HENDERSON CONSPIRE WITH THE DEFENDANTS TO CONTROL TWO JUDGMENTS IN HIS COURT BY MEANS OF A FRAUDULENT P.O?

WELL,THE ANSWER IS SIMPLE. HE ACTED AFTER I HAD SERVED DISCOVERY REQUESTS ON THE DEFENDANTS TO PRODUCE THE 127 EXHIBITS & DOCUMENTS WHICH SUPT.ABERNATHY AND HIS WITNESSES UTILIZED TO TERMINATE MY -- 30 YEARS EMPLOYMENT WITH THE TROUP CO.BD.OF ED AT A SECRET HEARING HELD BY THE GA.PROFESSIONAL PRACTICES COMMISSION FOR ABERNATHY'S - TAX DOLLARS BRIBE.JULY-1976.

I HAD DEMANDED THAT THOSE 127 EXHIBITS BE PRODUCED SINCE THE COMMISSION RULED THAT I WAS THE AUTHOR OF EACH.THE COMMISSION GOT ALL OF ITS EVIDENCE AGAINST ME FROM THOSE 127 EXHIBITS WHICH IT CLAIMED BEARED MY SIGNATURES.

I ALSO SERVED INTERROGATORIES ON ABERNATHY DEMANDING THAT HE CITE IN MY TESTIMONY (ATTRIBUTED TESTIMONY) THE PAGE NUMBERS ON WHICH I WAS CONFRONTED ON CROSS EXAMINATION WITH THOSE 127 EXHIBITS & DOCUMENTS.

SINCE JUDGE HENDERSON HAD A COPY OF THE TRANSCRIPT COMPILED BY THE COMMISSION HE KNEW THAT THE HEARING RECORD REVEALED THAT I WAS NOT CONFRONTED ON EITHER DIRECT OR CROSS EXAMINATION WITH ABERNATHY'S 127 PAGES OF ADVERSE EVIDENCE.

THEREFORE,HENDERSON KNEW THAT IF HE DID NOT COVER UP FOR THE COMMISSION OFFICERS AND ABERNATHY THAT THEY WERE IN REAL BAD TROUBLE. SO,HE PERMITTED THEM TO DRAFT P.O.ORDER ATTACHED AS EXHIBIT NO. 3, AND EXHIBIT NO.4,ATTACHED,SHOWS THAT HENDERSON SIGNED THAT FRAUDULENT P.O. WITHOUT EDITING OR CHANGING A WORD OR PERIOD. THAT P.O. WAS DESIGNED TO DENY MY ACCESS TO ABERNATHY'S 127 EXHIBITS AND IT ---- DID.

WHEN A JUDGE SIGNS AN ORDER WHICH STATES THAT AN ATTORNEY RE---PRESENTED ME IN HIS COURT,AND NO LAWYER DID,SUCH AS IN THIS CASE, THEN,THAT JUDGE IS GUILTY OF CONSPIRACY ANY WAY YOU CARE TO DESCRIBE SUCH MISCONDUCT. A HEINOUS CRIME BY A FEDERAL JUDGE.

YOU SEE MY BITTERNESS TOWARDS LAWYERS GOES BACK TO SEPTEMBER 7, 1976, AND OCTOBER 20,1976. I PAID ATTORNEY KENNETH GORDON A RETAINER FEE OF $ 1,500.00 ON SEPTEMBER 7,1976 TO FILE A FEDERAL SUE SHOWING THAT I WAS DENIED DUE PROCESS REVELANT TO ABERNATHY'S 127 EXHIBITS.GORDON HAS NOT UNTIL THIS VERY DAY RENEDERED ANY LEGAL SERVICE FOR ME.I TRIED TO HAVE HIM ARREST WITHOUT LUCK.I ASKED THE GA.BAR TO GET MY RETAINER FEE FROM GORDON.NO! GORDON STOLE $ 1,500.00 FROM ME AND I WAS UN-EMPLOYED AT THE TIME AND STILL AM UNEMPLOYED.

THEN I WENT TO ATLANTA TO SEE IF I COULD RETAIN AN ATTORNEY TO GET MY MONEY BACK FROM GORDON AND SHE ASKED FOR AND GOT A RETAINER FEE OF $ 1,000.00. I HAVE NEVER SEEN HER AGAIN.MY INFORMATION AT THE TIME WAS THAT SHE MOVED TO NEW YORK.

HOWEVER,DESPITE MY PAST UNPLEASANT EXPERIENCES I KNOW THAT WITHOUT REPRESENTATION BY LEGAL COUNSEL THAT I CANNOT TAKE ADVANTAGE OF THE COURT'S VERY UNFAVORABLE POSITION AND DEMAND THAT THE SHOW CAUSE ORDER BE SET FOR TRIAL.

YOU SEE IF ANYONE ON THIS EARTH HAS A RIGHT TO BE BITTER I DO BECAUSE AFTER SUPT.ABERNATHY BRIBED THE COMMISSION OFFICERS TO CONVICT ME AS THE AUTHOR OF HIS 127 LETTERS WHICH MY TESTIMONY SHOWS I WAS NOT CONFRONTED WITH HE RUNS TO THE NEWS MEDIA AND RELEASES A STORY THAT MY EMPLOYMENT WAS TERMINATED BECAUSE I WAS CONVICTED AS"A LIAR UNDER OATH"BY THE COMMISSION REVELANT TO HIS 127 EXHIBITS AND THAT PERJURED NEWS MEDIA STORY EFFECTIVELY CLOSED THE JOB MARKET TO ME AND AFTER RENDER HILL WAS UNABLE TO GET ME A JOB WITH THE STATE DEPT. OF HUMAN RESOURCES AS A CASE WORKER BECAUSE MY PERSONNEL FILE SHOWED---"CONVICTED AS A LIAR" --- MY MENTAL HEALTH DETERIORATED AS I FOUGHT HIM IN FEDERAL COURT FOR FOUR (4) YEARS WITHOUT REPRESENTATION BY LEGAL COUNSEL.THE STIGMA WHICH SUPT.ABERNATHY CAUSED TO BE ATTACHED TO MY PERSONAL AND PROFESSIONAL REPUTATION SIMPLY DESTROYED ME.SELAH! BUT YOU SEE JUDGE HENDERSON COVERED UP THIS ABERNATHY EVIDENCE WITH HIS FRAUDULENT P.O.AND TIDWELL ORDERED IT SUPPRESSED IN HIS DISMISSAL ORDER FOR CASE NO.CCO 106-V."IN FUNCTION"MY FOOT!

APPENDIX

EXHIBIT NO.

1. SHOW CAUSE ORDER-DATED AUGUST 7,1980 ---------- B-1

2. JUDGE TIDWELL DISQUALIFIES HIMSELF-
   ASSIGNS SHOW CAUSE ORDER TO JUDGE VINING -------- A

3. JUDGE VINING CANCELS SHOW CAUSE TRIAL ---------- A

4. JUDGE VINING CERTIFIES TWO LIES
   TO FIFTH CIRCUIT COURT OF APPEALS ---------- B

5. JUDGE SHOOB RULES THAT CASE NO.C80-1236-A
   CAN PROCEED EITHER BEFORE A JUDGE OR A
   UNITED STATES MAGISTRATE ---------- 8

6. JUDGE SHOOB FALSELY RULES THAT CHECK TO
   PAY FILING FEE FOR CASE NO.C80-1236-A
   "BOUNCED"AND THAT CASE NO.C80-1236-A CANNOT
   BE FILED-- WAS IT FILED FOR EXHIBIT NO. 8 ABOVE? --- 6

7. COPY OF "PAID"CHECK WHICH SHOOB RULED
   HAD "BOUNCED"REVELANT TO CASE NO.C80-1236-A --------- 7

8. JUDGE TIDWELL ORDERS CONSENT JUDGMENT FOR
   CASE NO.C79-106-N,BUT HE HAS NOT UNTIL THIS
   DATE EITHER ADJUDICATED OR VACATED THAT ORDER ---------- 5

9. JUDGE HENDERSON PERMITS DEFENDANTS TO CONTROL
   JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N
   WITH A FRAUDULENT P.O.FALSELY STATING THAT AN
   ATTORNEY REPRESENTED US WITH THOSE CASES ---------- 3

10. THE SECOND COPY OF THE FRAUDULENT P.O.
    SIGNED BY JUDGE HENDERSON-THIS P.O.WAS
    THE MAJOR CLAIM FOR RELIEF IN CASE NO.C79-106-N ----- 4

11. THE FIFTH CIRCUIT COURT OF APPEALS RULES
    THAT WE ARE ENTITLED TO A SHOW CAUSE TRIAL ---------- D

10/21/80
BEN H. CARTER, Clerk
BY: Karen Gardner
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON, as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No.C 79-106 N

EXHIBIT P1
cited in Table of contents

ORDER

The plaintiff has submitted to the court a document titled "Plaintiff appeals for a ruling on his notice to appeal, dated on September 15, 1980, and a ruling on his constitutional right to a jury trial for civil contempt charges cited against him by this court on August 7, 28, and September 24, 1980 and for appointment counsel, and for judgment of dismissal for contempt charges required pursuant to Federal Rules of Civil Procedure Rule 58 before an appeal can be effected." Let the same be filed. That document is a verbose recitation of various wrongs which the plaintiff believes have been inflicted upon him by this court. Because the plaintiff is proceeding pro se, this court must liberally construe the pleadings submitted by him; consequently, this court will treat this most recent document as a notice (11) of appeal to the Court of Appeals for the Fifth Circuit. YOU HAVE ALREADY "TREATED ONE" DOCUMENT AS AN APPEAL AND YOUR ORDER OF OCTOBER 6,1980 SHOWS AS MUCH. WHAT'S WRONG WITH MOTION TO APPEAL DATED SEPTEMBER 15,1980?

EXHIBIT D-1

Well, Judge, if none have any merit please state the name of my lawyer whom Judge Henderson claims represented me?

In his document the plaintiff writes of various supposed violations of technical requirements of the Federal Rules of Civil Procedure, none of which has any merit whatsoever. The various wrongs of which he complains are more imagined than real and simply show his unwillingness to comply with the lawful orders of this court. He has sought (1) to re-litigate matters instead of taking direct appeals and has sought to burden this court with numerous complaints, petitions, and appeals. The court has again reviewed the plaintiff's filings and for the reasons outlined above the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the (2) appeal is frivolous and not taken in good faith; consequently, the plaintiff is denied the right to proceed on his appeal in forma pauperis.

XXXXX
XXXX

(1) If you want a number of a relating Tlaw, you would need a lawyer. You refuse to appoint Thimself.

EXHIBIT D-1

SO ORDERED, this 21ST day of October, 1980.

(2) You cited me for contempt, so now that I seek a Trial denied by you, you say your citation was "frivolous". Every citizen charged with violating a federal law, 18 #401(3) has a right to a Trial.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

XXXX. WELL, JUDGE VINING, IF I'M UNWILLING TO "COMPLY WITH THE LAWFUL ORDERS OF THIS COURT" WHY DON'T YOU GIVE ME A FULL, IMPARTIAL JURY TRIAL FOR CONTEMPT TO PROVE THAT THE ORDER FOR C.A.NO.79-106-N IS NOT "A LAWFUL ORDER" INSTEAD OF "DODGING THAT ISSUE" CONTAINED IN MY OFFICAL SEPTEMBER 15,1980 MOTION TO APPEAL? IF I AM TRYING TO "RELITIGATE THE SAME ISSUES" WHY DON'T YOU PROVE IT BY TRYING ME FOR CONTEMPT OF ORDER----NO.C79-106-N INSTEAD OF PRETENDING THAT YOU DON'T UNDERSTAND JUST WHAT ISSUES I WISH TO APPEAL? CAN YOU PRODUCE A SINGLE DEFENDANT'S EFFORT TO CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT FOR ORDER NO.C 79-106-N? NO! YOU CANNOT. THEREFORE, YOU DENY ME A CONTEMPT TRIAL IF IT IS "A LAWFUL ORDER OF THIS COURT" TO CITE A PARTY FOR CONTEMPT, THIS COURT HAS THE POWER TO ENFORCE "ITS LAWFUL ORDERS" BUT YOU REFUSE TO ENFORCE "THE LAWFUL ORDER OF THIS COURT" BY TRYING ME FOR CONTEMPT BY JURY. SO, DON'T COME HERE PLEADING FOR PITY BECAUSE YOU REFUSE TO GRANT US A JURY CONTEMPT TRIAL AND SAY, "HE IS SIMPLY --------" TRY ME!

J.E.P.
10/27/80

FILED IN CLERK'S OFFICE
AND A COPY GIVEN TO COUNSEL, ETC.
10/28/80
Ben H. Clerk
By: Deputy Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TELEPHONE INQUIRIES
ALA-GA CASES TEL (404) 221-3836
FLA - CASES TEL (404) 221-3833
FTS PREFIX IS 242

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

February 4, 1981

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

NOS. 80-8289 and 80-8290 - PATTERSON v. ABERNATHY, ET AL.

cited in Table of contents → Exhibit #2

The following action has this day been taken in the above case;

☐ AN EXTENSION OF TIME has been granted to and including

- ☐ for filing appellant's/petitioner's brief.
- ☐ for filing appellee's/respondent's brief.
- ☐ for filing reply brief.
- ☐ for filing petition for rehearing.

☐ Motion to consolidate granted.
☐ Motion to supplement or correct the record granted.
☐ Motion for leave to file supplemental brief granted.
☐ Motion for leave to file brief amicus curiae is granted.
☐ Joint motion as to time for filing briefs granted.
☒ Order enclosed has been entered.
☐

GILBERT F. GANUCHEAU, Clerk

cc: Mr. James E. Patterson
Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani

BY: [signature] Deputy Clerk

ql

Entered Jan. 28, 1981
Received by Patterson on 2-6-81

EXHIBIT # B-1

FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON :
:
v. : CIVIL ACTION NO. C79-106N
:
HANS J. SCHACHT, et al :

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980 by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof,

It is hereby ORDERED, that Plaintiff James E. Patterson appear at the United States Courthouse; Atlanta, Georgia; Courtroom 221 on August 21, 1980 at 10:30 o'clock A.m. and show cause why he should not be held in Contempt of Court as prayed.

I did not mark THRU- these lines. ~~It is further Ordered that the Complaint in~~ Patterson v. Abernathy, C80-1236A shall not be served upon any Defendant pending further order by this Court.

11/25/80 This Order shall be communicated to the Clerk for the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

So Ordered this 7 day of August, 1980.

G. Ernest Tidwell, Judge
United States District Court
For The Northern District of
Georgia, Atlanta Division

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta, Ga.
AUG 8 1980
JAMES E. [illegible], Clerk
By: [illegible] Deputy Clerk

) There are 9 defendants, and defendants FRANKEL and Hoffman — filed the civil contempt motion. Judge Tidwell just cut-right thru my right to summary judgment - J.E.P. for C.A. 79-106N.

11-25-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
9/2/80
BEN H. CARTER, Clerk
BY: Karen Jacobs
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION
NO. C 79-106 N

A/A

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia, (2) now - read Exhibit 1 again

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Did not appear as ordered"

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Judge Vining Canceled this contempt trial date and then falsely Certified to the Fifth Circuit that J failed to appear and then Judge Hill ruled for the fifth that such misconduct did not disqualify Judge Vining.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Ben H. Carter, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

#B

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(1) well, Sir, since said order is not an "appealable order" why don't you grant me a Trial?

(2) "additionally", Judge, if your lie were true, you would have issued a bench warrant for my arrest and then tried me for criminal contempt. I have not been arrested or Tried.

ORDER

The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. (1) See, A Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

(1)

SO ORDERED, this 6th day of October, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

FILED IN THE DISTRICT COURT
AND A TRUE COPY OF THIS ORDER
Ben E. [illegible]
10/7/80
By: [illegible]
Deputy Clerk

(3) "additionally", Judge Vining wrote the order that canceled the August 8 order. See his order of 9/29/80. no. You aren't about to try me and afford me the right to force you to prove your perjury for benefit

C 80-1236A

"notice of Right."

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

(1) may I please ask one serious question - DOES a court rule that a PARTY has a "RIGHT" then cite him for contempt if he accepts that "RIGHT"? See (5)

NOTICE OF RIGHT TO

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), you are hereby notified that the full-time United States Magistrates of this District Court, in addition to their other duties, may, upon the consent of all parties in a civil case, conduct any and all proceedings in a civil case, including a jury or non-jury trial, and order the entry of a final judgment. Copies of appropriate consent forms are attached and, further, are available from the Clerk of Court.

"RIGHT"

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate for disposition is entirely voluntary and should be communicated solely to the Clerk of the District Court. Only if all parties to the case consent to the reference to the Magistrate will either the Judge or the Magistrate to whom the case has been assigned be informed of your decision.

Your opportunity to have your case disposed of by a Magistrate is subject to the calendar requirements of the Court. Accordingly, the District Judge to whom your case is assigned must approve the reference of the case to a Magistrate for disposition.

If all parties to the case consent, the same must appear by the filing of a signed consent in the form provided by rule within ten (10) days of the joining of issue by all parties. If any party does not consent to having a Magistrate hear and determine the case, his identity shall not be revealed. No consent form shall be filed with the Clerk unless all parties have signed the same.

CONSENT FORM ON REVERSE SIDE OF THIS FORM

(2) I specifically requested in my "affidavit of Personal Bias and/or Prejudice" against Judge Tidwell that Judge may not permit C 80-1236A - TO be filed unless Judge Tidwell was BARRED from taking any adverse action. So - you file C 80-1236A, offer no choice of

BEFORE PROCEEDING FURTHER. SEE NOTICE ON REVERSE SIDE

#8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

James E. Patterson, Plaintiff

v.

Otis J. Abernathy, Ralph Johnson, et al, Defendant

DOCKET NO. C80-1236A

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. Section 636(c), the parties to the above-captioned civil matter hereby waive their right to proceed before a judge of the United States District Court and consent to have a United States Magistrate conduct any and all further proceedings in the case (including the trial) and order the entry of judgment.

James Patterson

Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. Section 636(c)(3), unless all parties further consent, by signing below, to take any appeal to a judge (1) of the District Court, in accordance with 28 U.S.C. Section 636(c)(4).

(1) James Patterson

MR. CASTELLANI, SINCE YOU HAVE ALREADY ASSURED BOTH THE COURT AND THIS MUCH ABUSED PRO SE THAT THE ABOVE-ENTITLED ACTION WOULD BE DISMISSED BY YOUR FORTH COMING MOTION TO THAT EFFECT, I STILL OFFER YOU THE CHOICE BY SIGNING THIS DOCUMENT.

NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF IT HAS BEEN EXECUTED BY ALL PARTIES TO THE CASE

Received:
7/25/80
James E. Patterson

you ruled on 8/8/80 that this case was not filed because both didn't pay check. 2-17-81

ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to United States Magistrate _____ for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. Section 636(c) and the foregoing consent of the parties.

Judge Shoob first ruled that we had the right to proceed with case no. 80-1236A, but a week later the filing fee was not payed, he said

7/25/80
DATE

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

By: [illegible] Deputy Clerk

#6 now see #7

JAMES E. PATTERSON, :

Plaintiff, :

v. : CIVIL ACTION

OTIS J. ABERNATHY, et al., : C80-1236A

Defendants :

ATTEST: A TRUE COPY
CERTIFIED THIS
12th day of Aug. 1980
Ken E. Carter, Clerk
By: Doris Wynn
Deputy Clerk

ORDER

It appearing to the Court that the Complaint in the above captioned matter fails to comply with Rule 8 of the Federal Rules of Civil Procedure, and it further appearing to the Court that the Plaintiff's filing of the Complaint is in violation (1) of the Order and injunction in Patterson v. Schacht, C79-106N (N.D. Ga. March 20, 1980),

why? It is hereby ORDERED that the Complaint be DISMISSED with prejudice and that service of the Complaint and summons be QUASHED.

the clerk was directed after a period the case for lack of defendants

This Court has been advised by the clerk's office that plaintiff's check for the cost deposit in this case has been returned for insufficient funds. It is ORDERED that the Clerk of the United States District Court for the Northern District of Georgia shall not accept any further complaints for filing or service from the Plaintiff unless all fees for filing and service are paid by cash, money order, cashiers check, or certified check.

a false statement JSP. they used every trick known to not file this complaint

This Order shall be communicated to the Clerk of the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia,

(1) Judge Shoob it is not a violation of an "injunctive clause" to try via Rule 60(b) to dissolve said "injunctive clause"

A-814-C

#6

and the Marshal is instructed that the Complaint in this matter shall not be served upon any Defendant. Since there was no defendant you violated federal law By accepting an ex parte motion to dismiss.

IT IS SO ORDERED, this 8TH day of August, 1980.

(2)

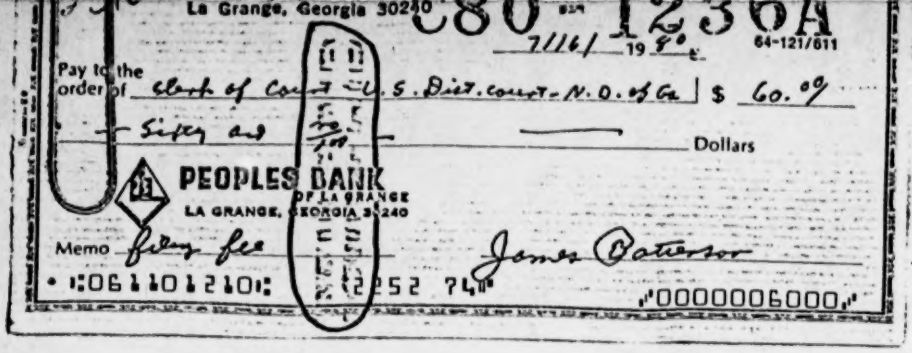
(a) You lacked Jurisdiction over case as defendants said you did not have service of process ruled

Marvin H. Shoob, Judge
United States District Court
Northern District of Georgia

Why didn't you rule on my affidavit re disqualifying you, dated 7/15/80? Tidwell, also-?

Judge Tidwell's show cause order states complaint filed on 7/21/80 and it should have been served before 8TH of august - 1980 Judge must signed for service on 7/15/80

JG



La Grange, Georgia 30240

80 BSA 1236A

7/16/ 19 80 64-121/611

Pay to the order of Clerk of Court - U.S. Dist. court - N.D. of Ga | $ 60.00

Sixty and 00/100 Dollars

PEOPLES BANK OF LA GRANGE
LA GRANGE, GEORGIA 30240

Memo filing fee

James Patterson

⑆061101210⑆ 12252 74⑈ "0000006000"

EXHIBIT-#1

well, Judge the check was
procured and exhibit no.
1 shows that you ruled
me out the right to proceed
before either a U.S. magistrate
or federal judge with case
no. C80-80-1236-A. so
you resorted to perjury
to give Hoffman time to
file an ex parte motion
to quash marshal's service
on the defendants. no one was
ever under your jurisdiction
because of C80-1236-A.

federal law 6d(c) and 18 USC # 401 required
a trial to determine if filing C.A. 80-1236-A
violated a suppression order tacked on to
dismissal order for C.A. 79-106 N and if I had
had legal counsel you would have complied
with federal law before you resorted to perjury
to dismiss C.A. No. 80-1236-A.

8-11-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

ABANDONED -ON- 5/20/80

James C. Patterson)
Plaintiff)
Vs.)
Hans J. Schacht, et al)
Defendant)

#5
#5

CIVIL ACTION NO. 79-106N

NOW, WE HAVE 2 RULINGS OF THE COURT - PER 79-106N OR NO BG - THAT THE COURT has told that defendants must meet with this party to settle a SETTLEMENT-OF-CLAIM IN C79-106 WITHIN 90 DAYS.

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE C. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party. See paragraph no. 8.

The status report shall contain the following information:

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference.

✓ F.R.C.P. Rule 68

Dated this 5th day of March, 1980.

#5

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

Judge Tidwell ruled ordered case no. C79-106-N sealed by Consent Judgment. The defendants refused to be dismissed in 3-17-81

#3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

You refuse to try me for civil contempt because you don't want this fraudulent Judge exposed. 5-17-81

Court "order" does not write "ET. AL.", as this or me word "defendants" ORDER TO-SMALL-SEE-"ORDER", ON OTHERS

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

Judge Vining You certified that none of my PLEADINGS had merit. SO, I ask you NOW to state the name of my LAWYER for this case their waiting one.

The Defendants voluntarily agreed to:

1. Answer the Complaint;
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

DRAFTED-BY:- Jeffery Smith, attorney for the defendants (1)
CHECK-"ORDER", "V." not "Versus", no cause NO. on Paper

#3

no relief based on argument of counsel at the hearing for Plaintiff - no counsel

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: no counsel for this pro se - thus, no argument

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

NO-CODE-#
OR-PAGE-#

Please serve a copy of this court's Order & Brief for the appeal which was not filed.

#3

Accordingly, the Defendants are granted a Protective Order to the extent set forth above.

So ordered this the ✓ day of August, 1978.

✓ omitted "Jr."

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

name typed ← omitted "Jr." which Judge's secretary would not do.

"The defendants are Granted - - - -":
"TO THE EXTENT" DRAFTED BY SMITH and submitted to the Court. Smith was told by the Judge." Write your own Protective order and submitted it TO THE Court": HE DID. THIS-is-it. the signed and dated copy is word for word as this COPY. So, indeed, the defendants did write their own Protection from a pro se.

the next copy is identical except had date + signature with "Jr"

there was no argument. Smith didn't say that I had filed motions to compel discovery

"with all parties being represented by counsel, including the Plaintiff, Pro Se": that's too much-I-guess. who was my lawyer Judges Tidwell, Vining, Shoob and mogl.

IV you refuse me a contempt trial because Item no. III puts you out of Business.

NO-CODE-NUMBERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

II 4

JAMES E. PATTERSON,

Plaintiff,

v.

HANS-J. SCHACHT, ET AL.,

Defendants.

CIVIL ACTION
FILE NO. C-78-31N

FILED IN CLERK'S OFFICE

AUG - 4 1978

BEN H. CARTER, Clerk
By: Deputy Clerk

ORDER

Various Defendants have filed Motions for Protective Orders and the Plaintiff has responded with numerous pleadings in opposition to these Motions. A hearing was held on July 26, 1978 to hear arguments on these Motions, with all parties being represented by counsel, including the Plaintiff, pro se.

malfeasance in office to control a case with a fraudulent pre-trial order

The Defendants voluntarily agreed to:

1. Answer the Complaint; on July 26 - the Comp. was answered
2. Answer the Amended Complaint;
3. Respond to all outstanding Motions recognized under the Federal Rules of Civil Procedure;
4. Produce any and all documents in their possession at the United States District Courthouse in Newnan, Georgia at a time to be agreed upon by all parties; and
5. Make themselves available, through counsel, to confer with the Plaintiff with respect to any and all disputes regarding discovery.

The Plaintiff requested numerous documents which are referred to in pleadings in James E. Patterson v. Troup County Board of Education, et al. in the United States District Court for the Northern District of Georgia in the Newnan Division, Civil Action File No. 77-6-N.

HERE-IS-SMITH'S-PERSONALLY DRAFTED-P.O. SIGNED-and Dated by a federal judge.

no code II

Based on the outstanding Motions for Protective Orders, the response of the Plaintiff thereto, as well as the argument of counsel at the hearing on July 26, 1978, it is hereby ordered that: [no counsel argued for Patterson on July 26, 1978 so there was no such conference.]

1. The Defendants will within 20 days from the receipt of this Order file their answers to the Complaint and Amended Complaint, and respond to any outstanding Motions recognized under the Federal Rules of Civil Procedure. No response is required to other pleadings or documents filed to date by the Plaintiff;
2. Within 30 days from the receipt of this Order, all Defendants will produce any and all documents in their possession which relate to this litigation, said documents to be produced in the United States District Courthouse in Newnan, Georgia at a time mutually agreed upon by the parties;
3. The Clerk of Court for the Newnan Division will make available to the Plaintiff during normal business hours all pleadings in Civil Action File No. 77-6-N and permit the Plaintiff to make copies of any and all such pleadings, documents, or exhibits contained in that file at the Plaintiff's expense. The Clerk shall be present during the inspection of these documents by the Plaintiff; and
4. Those Defendants who previously provided legal services to the Plaintiff are not subject to any attorney-client privilege with respect to their ability to fully answer the allegations of the Complaint and Amended Complaint.

It was "hereby ordered" (1) also for Smith to draft a Protective Order and submit it to the Court for signature. Then we claim in case no. C79-106A that the Court conspired with Defendants by means of a fraudulent Protective order (P.O.) to steal case nos. C79-31A and C79-49A BUT Tidwell-Mell blocked by res Judicata.

Accordingly, the Defendants are granted a Protective Order to the extent set forth above. conspiracy by lying

So ordered this the 4 day of August, 1978.

Albert J. Henderson
Judge, United States District Court
for the Northern District of Georgia

SMITH-TYPED NAME- NOT "Jr." So the Judge added "Jr." so his SIGNATURE would be correct and order valid.

Judge Henderson also made this fraudulent pre-trial order applicable to case no. C 78-47 and thus he stayed the Defendants' trial and had judgment in for C 78-31-A and C 78-47-A.

NO

EXHIBIT E

BR 119
(10/79)

United States Bankruptcy Court

For the NORTHERN District of GEORGIA

In re

JAMES E. PATTERSON

Case No. 80-00076N

Debtor*

DISCHARGE OF DEBTOR

It appearing that the person named above has filed a petition commencing a case under title 11, United States Code on MARCH 24, 1980, that an order for relief was entered under chapter 7 and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the court [or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing, was not sustained], it is ordered that

1. The above-named debtor is released from all dischargeable debts.

2. Any judgment heretofore or hereafter obtained in any court other than this court is null and void as a determination of the personal liability of the debtor with respect to any of the following:

(a) debts dischargeable under 11 U.S.C. §523;

(b) unless heretofore determined by order of this court to be nondischargeable, debts alleged to be excepted from discharge under clauses (2), (4) and (6) of 11 U.S.C. §523(a);

(c) debts determined by this court to be discharged under 11 U.S.C. §523(d).

3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from commencing, continuing or employing any action, process or act to collect, recover or offset any such debt as a personal liability of the debtor, or from property of the debtor, whether or not discharge of such debt is waived.

Dated: JULY 3, 1980

BY THE COURT

W. Drake Jr.

Bankruptcy Judge

*Include here all names used by Debtor within last 6 years.

Supplement 80-665

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

RECEIVED
MAY 15 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON,
APPELLANT

VS.

HANS J. SCHACHT, ET AL.,
APPELLEES

DIST. COURT NO. 79-106-N

APP. COURT NO. 80-8289

JAMES E. PATTERSON,
APPELLANT

VS.

OTIS J. ABERNATHY, U.S. DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA, ET AL.,
APPELLEES

DIST. COURT NO. 80-1236-A

APP. COURT NO. 82-90

MOTION TO AMEND JURISDICTIONAL STATEMENT

THE APPELLANT RESPECTFULLY REQUEST THAT HE BE GRANTED LEAVE TO AMEND THE "CONCLUSIONS" OF HIS JURISDICTIONAL STATEMENT IN ACCORDANCE WITH SUPREME COURT RULE 22.6 BY ADDING THE REQUEST THAT THIS COURT FIND THAT THE TROUP COUNTY, BOARD OF EDUCATION, LAGRANGE, GEORGIA, DENIED HIM DUE PROCESS WHEN IT COMPLIED WITH GA. CODE ANN. # 32-662a(b), WHICH REQUIRES THAT A TENURED TEACHER ON THE PAYROLL PRIOR TO APRIL 15TH-EITHER- BE TENDERED A NEW "CONTRACT OF EMPLOYMENT" FOR THE ENSUING SCHOOL YEAR OR TERMINATED BY APRIL 15TH, AND THE - COURT SHOULD FINED THAT THE BOARD VOTED ON APRIL 12, 1976 TO COMPLY WITH THE LAW BY ADVISING THIS APPELLANT ON APRIL 13, 1976 THAT HIS "CONTRACT OF EMPLOYMENT" HAD BEEN TERMINATED, BUT THE COURT IS FURTHER MOVED TO FIND THAT APPELLANT SHOULD HAVE BEEN TERMINATED ONLY AFTER A DUE PROCESS HEARING. SEE, APPENDIX # 19 FOR EVIDENCE THAT APPELLANT WAS NOT AFFORDED A DUE PROCESS HEARING --- BEFORE--- HIS "CONTRACT OF EMPLOYMENT" WAS TERMINATED. WE HAD 30 YEARS SERVICE

THE APPELLANT COURTS HAVE RULED THAT : "PROCEDURAL DUE PROCESS REQUIRES THAT --- BEFORE --- ANY INDIVIDUAL IS DEPRIVED OF A SIGNIFICANT "PROPERTY INTEREST" THOUGH GOVERNMENTAL ACTION HE MUST BE ACCORDED "NOTICE" OF THE IMPENDING PROCEEDING AND THE OPPORTUNITY

TO BE HEARD AT A MEANINGFUL TIME --- PRIOR--- TO --- THE --- DE--- PRIVATION" U.S.C.A. CONST.AMEND.14-REMM V.LANDRIEU,(D.C.LA.1976) 418 F.SUPP.1222.

A PUBLIC SCHOOL TEACHER IN GEORGIA IS EMPLOYED VIA MEANS OF AN"EMPLOYMENT CONTRACT" AND A TEACHER WITHOUT A CONTRACT ON APRIL 16, 1976 ,OR ANY YEAR,IS A TEACHER WITHOUT A JOB FOR THE "ENSUING --- SCHOOL YEAR" SEE,GA.CODE ANN.# #32-662a(a),(b).

WHEN A LOCAL SCHOOL BOARD VOTES ON APRIL 12,1976 TO "FIRE" A TEACHER WITH 30 YEARS SERVICE WITH THAT SAME BOARD AND DENIES HIM THE HEARING WHICH HE REQUESTED PRIOR TO BEING TERMINATED THERE IS NO TIME IN THE FUTURE FOR THAT BOARD TO AFFORD HIM AN "OPPORTUNITY TO BE HEARD AT A MEANINGFUL TIME"BEFORE EITHER THAT SCHOOL BOARD OR THE BOARD'S AGENT,THE GA.PROFESSIONAL PRACTICES COMMISSION. SEE, APPENDIX NO.18 FOR EVIDENCE THAT WE REQUESTED IN WRITING ON APRIL 8,1976 A HEARING PRIOR TO THE BOARD'S VOTING ON APRIL 12,1976 TO - TERMINATE OUR "CONTRACT OF EMPLOYMENT FOR THE ENSUING SCHOOL YEAR"

SO,LOCAL SCHOOL BOARDS IN GEORGIA OR REQUIRED BY LAW TO EITHER TENDER "NEW CONTRACTS OF EMPLOYMENT FOR THE ENSUING SCHOOL YEAR"OR TO ADVISE ANY TEACHER THAT IS TO BE FIRED IN WRITING BY APRIL 15th - THAT HE/SHE WILL NOT BE REHIRED FOR THE ENSUING SCHOOL YEAR,AND IN THAT CASE DUE PROCESS HAS ALREADY BEEN DENIED WITH THE BOARD'S DECISION TO "NOT REHIRE" THAT DECISION CAN ONLY COME FOR A TENURED TEACHER --- AFTER--- HE/SHE HAS BEEN AFFORDED A "MEANINGFUL OPPOR--TUNITY TO BE HEARD"

THE FEDERAL APPELLATE COURTS HOLD THAT: "PRIVILEGES,LICENSES,CERTIFICATES,CONTRACTS,AND FRANCHISES QUALIFY AS A "PROPERTY INTEREST" FOR PURPOSES OF PROCEDURAL DUE PROCESS,BUT DUE PROCESS ONLY BECOMES REVELANT WHERE SUCH "PROPERTY" IS"DEPRIVED" (SIC). U.S.C.A.CONST. AMEND.14-WELLS FARGO ARMORED SERVICE CORP. V.GA.PUBLIC SERVICE COMMISSION,(C.A.GA. 1977) 547 F.2D 938.

WELL,YOUR HONORS,SINCE THIS PARTY HOLDS A PROFESSIONAL SOCIAL SCHOOL WORKER CERTIFICATE FROM BOTH THE GA.DEPT.OF EDUCATION AND AUBURN UNIVERSITY AND A "CONTRACT OF EMPLOYMENT"FOR 30 YEARS WITH THE TROUP COUNTY BD.OF EDUCATION,HE HAD VERY DEFINITE "PROPERTY INTERESTS" WHICH WERE SUPPOSED TO HAVE BEEN PROTECTED BY DUE PROCESS BEFORE HIS "CERTIFICATES" AND "CONTRACT"WERE RENDERED WORTHLESS.

WHEREFORE, HAVING DOCUMENT BY GA. LAW AND DUE PROCESS THAT WE WERE ENTITLED TO AN "OPPORTUNITY TO BE HEARD" "PRIOR TO DEPRIVATION" OF OUR "PROPERTY INTEREST" AND THAT WE REQUESTED IN WRITING A DUE PROCESS HEARING "PRIOR TO DEPRIVATION OF OUR PROPERTY INTEREST" WE NOW MOVE THIS COURT TO FIND THAT WE WERE DENIED DUE PROCESS BY THE -- TROUP COUNTY BOARD OF EDUCATION WHEN IT VOTED ON APRIL 12, 1976 TO "FIRE" US WITHOUT FIRST AFFORDING US A "NOTICE" HEARING.

APPELLANT RESPECTFULLY REQUESTS SUCH OTHER AND FURTHER RELIEF THAT THE COURT DEEMS TO BE APPROPRIATE.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE MAILED A COPY OF THE ATTACHED AMENDMENT TO OUR DOCKETED JURISDICTIONAL STATEMENT TO COUNSEL OF RECORD FOR THE APPELLEES WHO ARE AS FOLLOWS:

MR. JOHN TAYLOR, ESQ.
P.O. BOX 1027
LAGRANGE, GEORGIA 30240

MR. STEVEN FANNING, ESQ.
P.O. BOX 668
NEWNAN, GEORGIA 30263

MS. LINDA BIRREL, ESQ.
132 STATE JUDICAL BLDG.
ATLANTA, GEORGIA 30343

MR. WILLIAM E. HOFFMAN, JR., ESQ.
2200 FIRST NATIONAL BANK TOWER
ATLANTA, GEORGIA 30383

MR. ROBERT J. CASTELLANI, ESQ.
SUITE # 1800
RUSSELL FEDERAL BLDG.

DATED: 5-12-81.

James Patterson
JAMES E. PATTERSON

AUTHORITIES

"THE SUPREME COURT'S JURISDICTION UNDER 28 USC # 1252 DOES -- NOT DEPEND ON WHETHER THE LOWER COURT HAD JURISDICTION, SINCE AN -- APPEAL UNDER # 1252 BRINGS THE ENTIRE CASE FROM THE BEGINNING (ON MARCH 12,1976) BEFORE THE SUPREME COURT AND NOT ONLY THE CONSTITUTIONAL QUESTIONS." SEE, MCLUCAS V. DECHAMPLAIN (1975) 421 US 21,95 SCT 1365,43LE2D 699."

THEREFORE, STATUTE 28 USC # 1252 GIVES THIS COURT JURISDICTION TO REVIEW THIS ENTIRE FIVE YEAR OLD PROCEEDING. THE FACT SHOULD BE STRESSED THAT ALL OF THE UNPLEASANT EXPERIENCES WHICH WE HAVE DOCUMENTED FOR THIS COURT REVELANT TO REPEATED DENIAL OF DUE PROCESS BY THE COURTS BELOW WAS THE RESULTS OF THE TROUP COUNTY BOARD OF EDUCATION VOTING ON APRIL 12,1976 TO DEPRIVE US OF OUR "PROPERTY INTEREST" WITHOUT FIRST AFFORDING US A DUE PROCESS HEARING.

PLEASE BE SURE THAT THIS COURT UNDERSTAND THAT IN GEORGIA THE LOCAL SCHOOL BOARDS HAVE THE DEADLINE OF APRIL 15 BY WHICH TO TERMINATE A PEACHER ALREADY ON THE PAYROLL OR MUST TENDERED THAT TEACHER A NEW "CONTRACT OF EMPLOYMENT" FOR THE NEXT SCHOOL YEAR.

SO, THE DEADLINE IN GEORGIA FOR A BOARD TO MAKE A DETERMINATION REVELANT TO EMPLOYMENT FOR "NEXT SCHOOL YEAR" FOR TEACHERS ON THE PAYROLL IS APRIL 15TH AND A TENURED TEACHER CANNOT LEGALLY BE TERMINATED ON APRIL 12th IN THE ABSENCE OF A DUE PROCESS HEARING, BUT THIS 30 YEAR VETERAN TEACHER WAS SO TERMINATED ON APRIL 12,1976.

for, and powers and duties of superintendents and members of boards of education of the several local units of administration shall be as prescribed by law: Provided, however, that such superintendents and members of local boards of education shall comply with, execute and enforce the provisions of this Chapter and other school laws, and provisions of rules, regulations, policies and standards adopted by the State Board of Education pursuant thereto, in order to render the respective local units of administration eligible to receive State funds under the provisions of this Chapter.

(Acts 1974, pp. 1045, 1090.)

32-662a Local units of school administration; employment of personnel

(a) All teachers, principals, other certificated professional personnel, and all other school personnel of local units of administration shall be employed by local boards of education on the recommendation of the superintendent of schools of the local unit. Minimum qualifications for employment of all school personnel may be prescribed by the State Board of Education unless otherwise provided by law. Employment contracts of teachers, principals, other certificated professional personnel shall be in writing and shall be signed in duplicate by such personnel on their own behalf and by the local superintendent of schools on behalf of the local board of education.

(b) Any other provisions of this Chapter or any other laws to the contrary notwithstanding, local boards of education shall tender a new contract for the ensuing school year to every teacher on the payroll of the local school system at the beginning of the preceding school year, except teachers who have resigned or who have been terminated, by April 15 of each year or notify any such teacher that they are not going to rehire him for the ensuing school year. The notification shall be in writing.

(c) Any other provisions of this Chapter or any other laws to the contrary notwithstanding, no local board of education shall employ any person as a teacher who has been discharged from the armed forces of the United States with a dishonorable discharge as a result of desertion or any person who has fled or removed himself from the United States for the purpose of avoiding or evading military service in the armed forces of the United States excluding those who have been fully pardoned.

(Acts 1974, pp. 1045, 1091; 1975, p. 1537.)

Editorial Note
Acts 1975, p. 1537, added subsection (c).

32-663a Pupils attending school in adjacent local units of administration; allotment of State funds; contracts between local units

Notwithstanding the foregoing provisions of this Chapter and other school laws, the State Board of Education is hereby authorized to provide, by regulation, a procedure and manner whereby a pupil shall, for such

compelling reasons and circumstances as may be defined and specified by the State Board, be permitted to attend and be included as an enrolled pupil in average daily attendance in the public schools of a local unit of administration immediately adjacent to the local unit of administration wherein the pupil resides for the purpose of allotting State funds under the provisions of this Chapter, notwithstanding absence of an agreement between the two adjacent local units and a refusal by the board of education of the local unit wherein the pupil resides to voluntarily approve such transfer of a pupil to the public schools of the adjacent local unit: Provided, however, that the board of education of the adjacent local unit is willing to receive and permit such pupil to enroll in and attend the public schools of such local unit. The State Board shall adopt such rules, regulations and policies as may be necessary for implementation of this section. Grant or refusal of permission for pupils to attend such schools, for the purpose of permitting State funds to follow such pupils, shall be entirely discretionary with the State Board and shall, in the absence of a clear abuse of discretion by the board, be final and conclusive. Local units of administration may contract with each other for the care, education and transportation of pupils and for such other activities as they may be authorized by law to perform.

(Acts 1974, pp. 1045, 1091.)

32-664a Voter registration; excused absences

Each student in the public schools of the State of Georgia, upon attaining the age of 18 years, shall be apprised of his right to register as an elector and vote in elections upon attaining the age of 18 years. The State Board of Education shall promulgate rules and regulations to carry out the provisions of this section. An excused absence of a student, as determined by the local unit of administration, not to exceed one school day, shall not be counted against any local unit of administration in ascertaining "average daily attendance."

(Acts 1974, pp. 1045, 1092.)

32-664a.1 Pledge of Allegiance to the flag

Each student in the public schools of the State of Georgia shall be afforded the opportunity to recite the Pledge of Allegiance to the flag of the United States of America during each school day. It shall be the duty of each local board of education to establish a policy setting the time and manner for recitation of the Pledge of Allegiance. Said policy shall be established in writing and shall be distributed to each teacher within the school.

(Acts 1976, p. 271.)

32-665a Financial procedures established

For the purpose of promoting economy and efficiency in the financial operation of local school systems, keeping all school expenditures within estimated receipts and balances, and to facilitate financial review audits of local school system operations, and to determine conformance of school

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

JUN 18 PAGE 2

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SUPREME COURT, U.S.

NO. 80-6657

JAMES E. PATTERSON,
APPELLANT,

ORIGINAL COPY

VS.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, WESLEY BOYD, NEIL GUNTER, JOHN HINCHEY, HANS SCHACHT, WILLIAM E. HOFFMAN, JR., JEFFREY SMITH, THEODORE FRANKEL, & THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA, APPELLEES.

SUPPLEMENTAL BRIEF OF PETITIONER

APPELLANT NOTES WITH APPRECIATION THAT AFTER HAVING PURSUED DEFENDANT FRANKEL FOR FIVE YEARS THAT BY FRANKEL FILING "MOTION TO DISMISS" OUR APPEAL HE HAS FINALLY ADMITTED ACCORDING TO THE PROVISIONS OF FED R CIV P RULE 8(d) THAT HE DID AS WE CHARGED CONSPIRE AGAINST THIS FORMER CLIENT TO HELP THE GA. PROFESSIONAL PRACTICES COMMISSION TERMINATE OUR EMPLOYMENT VIA A RECORD COMPILED IN A SECRET HEARING IN JULY 1976 AND THAT HE ALSO CONSPIRED WITH THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF GA., TO COVER UP THAT SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER.

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

80-6657

JAMES E. PATTERSON,
APPELLANT,

VS.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, JOHN HINCHEY, HANS SCHACHT, WESLEY BOYD, NEIL GUNTER, WILLIAM E. HOFFMAN, JR., JEFFREY SMITH, THEODORE FRANKEL AND THE UNITED STATES DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA, APPELLEES.

APPELLANT APPRECIATES THAT ATTORNEY FRANKEL HAS AFTER FIVE YEARS FINALLY ADMITTED THAT HE CONSPIRED AGAINST THIS FORMER CLIENT FOR ATTORNEY FRANKEL'S OWN FINANICAL GAIN.

INTRODUCTION-I

THIS ACTION IS PRESENTLY PENDING BEFORE THE COURT ON THE BASIS OF A JURISDICTIONAL STATEMENT FILED BY APPELLANT, PRO SE, JAMES E. PATTERSON, WITH THE CLERK OF THIS COURT ON MAY 11, 1981.

THE APPELLANT HAS PREVIOUSLY NOTED FOR THIS COURT THAT THE DEFENDANT DISTRICT COURT HAD SERVED NOTICE THAT IT WAIVED ITS RIGHT TO CHALLENGE THE CHARGE AGAINST THE COURT OF CONSPIRING WITH THE OTHER DE -- FENDANTS IN THE ABOVE CAPTIONED CASE TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

DEFENDANT FRANKEL-II.

NOW COMES DEFENDANT THEODORE FRANKEL FILING A BELATED "MOTION TO DISMISS"OUR APPEAL" AND BY FILING A "MO--- TION TO DISMISS" THIS COURT IS REQUIRED TO RULE THAT FRANKEL HAS ADMITTED THAT HE IS GUILTY OF CONSPIRING

DEFENDANT FRANKEL-II.

AGAINST THIS FORMER CLIENT."A MOTION TO DISMISS IS NOT A RESPONSIVE PLEADING WITHIN THE MEANING OF THE RULE" SEE,HANRATY V. OSTERTAG (10th CIR 1972) 470 F2D 1096.

FURTHERMORE,THE SUPREME COURT HELD IN JENKINS V.MCKEITHEN , LA.1969,89 S.CT.1843,395 U.S.411,23 L.ED.2D 404,(PER MR. JUSTICE MARSHALL WITH THE CHIEF JUSTICE AND ONE JUSTICE CONCURRING AND TWO JUSTICES CONCURRING IN THE RESULTS). THAT,"FOR PURPOSES OF MOTION TO DISMISS,MATERIAL ALLEGATIONS OF COMPLAINT ARE TAKEN AS ADMITTED[1] AND COMPLAINT IS TO BE LIBERALLY CONSTRUED IN FAVOR OF THE PLAINTIFF" THEREFORE,IT IS INCUMBENT UPON THIS COURT TO APPLY THE CITED SUPREME COURT RULING TO DEFENDANT FRANKEL'S"MOTION TO DISMISS" OUR APPEAL AND BY SO DOING THIS COURT MUST RULE THAT DEFENDANT FRANKEL HAS "ADMITTED AS TRUE"[1] OUR ALLEGATIONS THAT HE CONSPIRED AGAINST THIS FORMER CLIENT TO HELP THE GA.PROFESSIONAL PRACTICES COM ---- MISSION(COMISSION) TERMINATE OUR EMPLOYMENT VIA A SECRET HEARING, AND THAT (2) HE FURTHER CONSPIRED WITH THE DISTRICT COURT TO COVER UP THAT SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER, AND (3) FRANKEL ADMITS OUR ALLEGATIONS WITH HIS "MOTION TO DISMISS"[1] THAT DEFENDANTS BOYD,GUNTER,ABERNATHY,LEWIS, GAVE FALSE TESTIMONY AGAINST US AND PRESENTED EXHIBITS WITH OUR FORGED SIGNATURES THEREON,AND THAT (4) COMMISSION OFFICERS SCHACHT AND HINCHEY PRESIDED AT THAT JULY 1976 SECRET HEARING. [1] DEFENDANT JOHNSON ALSO.

FRANKEL ATTACKS OUR JURISDICTIONAL STATEMENT-III.

DEFENDANT FRANKEL'S MOVE TO DISMISS OUR APPEAL ON THE GROUND THAT SAID JURISDICTIONAL STATEMENT (STATEMENT) DOES NOT COMPLY - WITH SUPREME COURT RULE 15 IS A FARCE AND THE FACTS ARE THAT (1) THE CHIEF DEPUTY CLERK OF THIS COURT VERY KINDLY LOANED US A COPY OF A PROPERLY PREPARED STATEMENT TO USE AS A GUIDE AND THE PARAGRAPHS IN OUR STATEMENT ARE ENTITLED THE SAME AS THOSE IN THE -- SAMPLE COPY,AND (2) SUPREME COURT RULE 15.2 PROHIBITS THE CLERK OF THIS COURT FROM DOCKETING ANY STATEMENT THAT DOES NOT COMPLY WITH RULE 15 AND WITH RULE 33,EXCEPT THAT A PARTY PROCEEDING IN FORMA PAUPERIS MAY PROCEED IN THE MANNER PROVIDED BY SUPREME COURT RULE 46. THEREFORE,SINCE OUR STATEMENT WAS ACCEPTED BY THE CLERK IT WAS IN COMPLIANCE WITH SUPREME COURT RULE 15 AND 46 AND IT NOW IS -- READY FOR A REVIEW BY THIS COURT.

WHO ARE THE DEFENDANTS?-IV.

DEFENDANT FRANKEL FALSELY ALLEGES IN HIS MOTION ADMITTING HIS GUILT THAT WE HAVE BEEN INCONSISTENT WITH THE LIST OF - PARTIES NAMED AS DEFENDANTS IN THIS APPEAL. HE FALSELY ALLEGES THAT,"AT LEAST ONE "PARTY",JEFFREY SMITH,WAS NOT A "PARTY"BELOW." DEFENDANT FRANKEL'S MOTION ADMITTING HIS GUILT FALSELY ALLEGES - THAT WE DID NOT SERVE THE ATTORNEY OF RECORD FOR THE DEFENDANT DISTRICT COURT AND THUS HE ARGUES THAT WE VIOLATED RULE 28.

MR. FRANKEL IS UNDER THE DUTY TO EXPLAIN TO THIS COURT WHY THE DEFENDANT COURT'S ATTORNEY RESPONDED TO OUR CHARGES AGAINST THE DEFENDANT COURT IF WE DID NOT SERVE COUNSEL OF RECORD FOR THE DEFENDANT DISTRICT COURT-AS HE FALSELY CHARGES IN HIS MOTION ADMITTING HIS PERSONAL GUILT.

NOW,AS TO JEFFREY SMITH NOT BEING A"PARTY"BELOW,WE CITE THE FOLLOWING FACTS. WE FILED NOTICE TO APPEAL C.A.NO.79-106-N & C.A.NO.80-1236-A.THE DEFENDANTS ARE THE SAME IN THE TWO ACTIONS EXCEPT THAT WITH C.A.NO.80-1236-A HOFFMAN,JEFFREY SMITH,AND THE U.S.DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA,ARE ADDED AS DEFENDANTS.THE CLERK OF THIS COURT MUST HAVE JOINED THE TWO CASES INTO ONE CASE ON APPEAL BECAUSE HE ADVISED US IN WRITING THAT OUR APPEAL TO THIS COURT HAD BEEN DOCKETED UNDER FILE NO.80-6657.

IT IS ALSO TRUE THAT WE HAVE LISTED IN THE CAPTION OF OUR PLEADINGS FILED IN THIS COURT THE NAME OF "JEFFREY SMITH"AS A DEFENDANT AND IN OUR STATEMENT WE LISTED THE DEFENDANT PARTIES --- INDIVIDUALLY AND STATED THE CHARGES AGAINST EACH FOR THE BENEFIT OF THIS COURT AND DEFENDANT FRANKEL AND OTHER DEFENDANTS.THEREFORE,DEFENDANT FRANKEL'S ALLEGATION THAT HE DOES'NT KNOW WHO THE DEFENDANT "PARTIES"ARE IS A FRAUDULENT ALLEGATION.

FURTHERMORE,THE DEFENDANT DISTRICT COURT WAS NOT A DE---- FENDANT IN C.A.NO.79-106-N,BUT AS WE STATED,IT WAS IN C.A.NO.80-1236-A AND THAT DEFENDANT HAS NOT EXPERIENCED ANY PROBLEM DETERMINING THAT IT WAS A DEFENDANT IN APPEAL CASE NO.80-6657 BY REASON OF THE FACT THAT THAT DEFENDANT WAIVED ITS RIGHTS TO THIS COURT ON JUNE 1,1980 TO FILE A RESPONSIVE PLEADING TO THE CONSPIRACY - CHARGES PENDING AGAINST IT.LET THE RECORD SHOW THAT DEFENDANT --- FRANKEL KNOWS THAT BOTH HE AND HIS LAWYER,HOFFMAN,AND SMITH ARE ALL DEFENDANTS IN OUR CASE PRESENTLY PENDING BEFORE THIS COURT.

COURT MUST ENTER DEFAULT-V.

IN VIEW OF THE FACT THAT DEFENDANTS WILLIAM E.HOFFMAN,JR., AND JEFFREY SMITH HAVE FILED NO RESPONSE TO OUR APPEAL NAMING THEM AS TWO OF THE DEFENDANTS IT IS INCUMBENT UPON THIS COURT TO ENTER JUDGMENT BY DEFAULT AGAINST THEM.FED R CIV P RULE 8(d),55(a).

WHAT ORDER APPEALED FROM?-VI.

DEFENDANT FRANKEL ARGUES THAT,"THE JUDGMENT APPEALED FROM IN THIS CASE WAS ENTERED ON DECEMBER 29,1980 AND THE CASE WAS NOT DOCKETED IN THIS COURT UNTIL APRIL 9,1981,A TOTAL OF 101 DAYS AFTER THE ENTRY OF JUDGMENT." "THE APPEAL,THEREFORE,SHOULD BE DISMISSED AS NOT TIMELY FILED."

WE ENCOUNTERED THIS SAME PROBLEM WITH THE CLERK OF THIS COURT WHO THOUGHT WE WERE APPEALLING FROM THE DECEMBER 29,1980 ORDER,BUT WHEN WE SHOWED HIM THAT WE WERE APPEALING FROM AN ORDER ENTERED ON JANUARY 28,1981 AND THAT OUR NOTICE TO APPEAL WAS FILED ON FEBRUARY 25,1981 HE LET OUR APPEAL BE DOCKETED.

DEFENDANT FRANKEL RECEIVED COPIES OF THE JANUARY 28,1981 ORDER FROM THE CLERK,AND FURTHERMORE,HE RECEIVED A SECOND COPY WITH OUR STATEMENT.SUPREME COURT RULE 15(iii) REQUIRES THAT "A COPY OF THE JUDGMENT OR DECREE APPEALED FROM----"BE INCLUDED IN THE APPENDIX OF THE JURISDICTIONAL STATEMENT AND WE COMPLIED WITH THAT RULE.

THEREFORE,THE ABOVE FACTS SHOW THAT DEFENDANT FRANKEL RESORTED TO DELIBERATE PERJURY TO SEEK DISMISSAL OF OUR APPEAL,BUT THE DAMAGE TO HIM IS DONE COMPLETELY WITH HIS MOTION TO DISMISS WHICH RULE 8(d) AND THIS COURT HOLDS MUST BE CONSTRUED TO MEAN THAT DEFENDANT FRANKEL HAS "ADMITTED AS TRUE" THE CONSPIRACY ---CHARGES PENDING AGAINST HIM IN THIS COURT.

FRIVOLOUS? INCOHERENT? UNINTELLIGIBLE?-VII.

DEFENDANT FRANKEL ALLEGES ON PAGE 2 OF HIS MOTION OF GUILT THAT,"ASIDE FROM VIOLATIONS OF THE RULES OF THE COURT,PATTERSON'S APPEAL IS "FRIVOLOUS","INCOHERENT", AND "UNINTELLIGIBLE" AND NOT SUBJECT TO A RATIONAL RESPONSE."

SINCE SIX (6) PAGES OF OUR APPEAL INCLUDED TWO (2) COPIES OF A FRAUDULENT PROTECTIVE ORDER DRAFTED BY DEFENDANTS SMITH AND FRANKEL-

FRIVOLOUS? INCOHERENT? UNINTELLIGIBLE?-VII.

WITH ONE COPY NOT SIGNED AND THE SECOND IDENTICAL COPY - SIGNED BY JUDGE ALBERT J.HENDERSON,JR.,IN WHICH THEY FALSELY REFER TO A MAKE BELIEVE DISCOVERY CONFERENCE THAT WE WERE ALLEG-ED TO HAVE ATTENDED WITH "OUR NON-EXISTENT LAWYER",WE FIND IT DIFFICULT TO BELIEVE THAT FRANKEL AND SMITH WOULD CLAIM THAT THEIR FRAUDULENT PROTECTIVE ORDER IS "FRIVOLOUS","INCOHERENT", AND "UNINTELLIGIBLE" AND FOR THOSE REASONS THEY CANNOT DENY - THAT THEY UTILIZED THAT FRAUDULENT ORDER TO DENY US THE DUE - ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND - C78-47-N. CAN'T THEY INTERPRET THEIR OWN STATEMENTS?

FURTHERMORE,WE INCLUDED IN OUR APPENDIX A COPY OF A COURT ORDER IN WHICH THE COURT ORDERED FRANKEL AND OTHER DEFENDANTS IN C.A.NO.79-106-N TO MAKE US A RULE 68 OFFER OF CONSENT JUDG-MENT,BUT FRANKEL BEING ON A FIRST NAME RELATIONSHIP WITH THE FEDERAL JUDGES INFLUENCED THE COURT NOT TO ENFORCE THAT ORDER. IN FACT,THAT ORDER HAS NEVER BEEN ALTERED OR VACATED. SURELY, DEFENDANT FRANKEL DOES'NT CALL SUCH A COURT ORDER "FRIVOLOUS", "INCOHERENT",AND "UNINTELLIGIBLE" WHY DID'NT HE RESPOND TO THE APPEAL CHARGE THAT THE COURT CHEATED US OUT OF CONSENT JUDGMENT FOR CASE NO.C79-106-N SINCE HE CAN SURELY READ THAT COURT ORDER? THE FACT MUST BE NOTED THAT THE OFFICE OF THE GEORGIA ATTORNEY GENERAL REPRESENTING THE COMMISSION USED ITS INFLUENCE TO GET THE DISTRICT COURT NOT TO HONOR ITS CONSENT JUDGMENT ORDER.

OUR APPEAL IS ALSO BASED ON THE FACT THAT RICHARD WIND-HORST,FORMERLY EMPLOYED BY THE FIFTH CIRCUIT COURT OF APPEALS, UTILIZED A FRAUDULENT COURT ORDER TO PREVENT US FROM EFFECTING APPEALS FOR CASES NOS.C78-31-N & C78-47-N AND THE APPENDIX OF OUR APPEAL CONTAINED A COPY OF THE FRAUDULENT ORDER UTILIZED BY WINDHORST.SURELY TO GOODNESS MR.WINDHORST DOES NOT CONSIDER IT TO BE A "FRIVOLOUS" MATTER THAT HE LOST HIS JOB BECAUSE HE USED THAT FRAUDULENT ORDER TO CONSPIRE WITH DEFENDANTS SMITH AND - FRANKEL AGAINST US AND NO DEFENDANT INVOLVED IN THIS APPEAL HAS ATTEMPTED TO "EXPLAIN" WINDHORST'S FRAUDULENT ORDER AND NO DE-FENDANT,INCLUDING THE SOLICITOR GENERAL, HAS ATTEMPTED TO SHOW THAT WINDHORST WAS NOT DISCHARGED AFTER WE FILED SUIT AGAINST HIM,WHICH THE U.S.ATTORNEY GOT DISMISSED BECAUSE OUR PRO SE - COMPLAINT WAS IN VIOLATION OF RULE 8. OUR CASE AGAINST WINDHORST WAS NO.C79-87-N.

FRIVOLOUS?- INCOHERENT?- UNINTELLIGIBLE?-VII.

THEREFORE, IF DEFENDANT FRANKEL CAN MAKE NO OTHER DEFENSE THAN TO PRETEND THAT HE CANNOT SHOW THAT FRAUDULENT COURT ORDERS WERE NOT UTILIZED BY HIM TO DENY US THE DUE ADMINISTRATION OF JUSTICE BECAUSE THOSE COURT ORDERS ARE "FRIVOLOUS;" -- "INCOHERENT", AND "UNINTELLIGIBLE" HE WOULD HAVE BEEN BETTER OFF TO HAVE NOT FILED ANY RESPONSE TO OUR APPEAL BECAUSE HIS "MOTION TO DISMISS" MUST BE CONSTRUED BY THIS COURT TO MEAN THAT FRANKEL HAS "ADMITTED AS TRUE" THE MATERIAL ALLEGATIONS AGAINST HIM --- STATED IN OUR APPEAL PRESENTLY PENDING REVIEW BY THIS COURT AND THIS COURT MUST ENTER JUDGMENT BY DEFAULT AGAINST DEFENDANTS HOFFMAN AND SMITH BECAUSE THEY DID NOT FILE WITH THIS COURT ANY RESPONSE TO OUR APPEAL.

RESPONSE TO MOTION TO DISMISS FILED BY DEFENDANTS ABERNATHY,- LEWIS AND JOHNSON - VIII.

WHEREAS, APPELLANT RECEIVED ON JUNE 12, 1981 A "MOTION TO DISMISS AND WAIVER OF RIGHTS TO FILE A MORE DETAILED RESPONSE" TO OUR JURISDICTIONAL STATEMENT, WE STATE TO THIS COURT THAT THE RESPONSE WHICH WE HAVE MADE HEREIN THIS PLEADING TO DEFENDANT FRANKEL'S "MOTION TO DISMISS" APPLIES TO THE "MOTION TO DISMISS" FILED BY ABERNATHY, LEWIS, AND JOHNSON,

IN MANN V. ADAMS REALTY CO., INC., (C.A.ALA.1977) 556 F.2D288 THE COURT(s) HELD THAT: "IN EVALUATING SUFFICIENCY OF PLEADING ATTACKED ON MOTION TO DISMISS, BOTH DISTRICT COURT AND COURT OF -- APPEALS ARE REQUIRED TO CONSTRUE COMPLAINT IN LIGHT MOST FAVORABLE TO PLAINTIFF AND TO TAKE ALLEGATION THEREIN AS TRUE."

THEREFORE, SINCE THEY BASE DISMISSAL UPON THE SAME GROUNDS AS DID DEFENDANT FRANKEL AND WE HAVE DOCUMENTED FOR THIS COURT THAT -- DEFENDANT FRANKEL'S MOTION WAS COMPLETELY WITHOUT MERIT, WE POINT OUT TO THIS COURT THAT IT "MUST TAKE AS TRUE" OUR ALLEGATIONS - THAT SUPERINTENDENT ABERNATHY AND HIS LAWYER, JAMES LEWIS, BRIBED COMMISSION EXECUTIVE OFFICERS SCHACHT AND HINCHEY AND ATTORNEY FRANKEL TO TERMINATE OUR EMPLOYMENT VIA MEANS OF A HEARING RECORD COMPILED BY THE COMMISSION IN OUR ABSENCE, AND (2) OUR ABSENCE FROM THAT SECRET HEARING IS DOCUMENTED BY THE FACT THAT THE COMMISSION'S HEARING RECORD REVEALS THAT WE WERE NOT CONFRONTED ON CROSS -EXAMINATION REVELANT TO ANY OF THE 127 SO

RESPONSE TO MOTION TO DISMISS FILED BY DEFENDANTS ABERNATHY,-LEWIS AND JOHNSON-VIII.

CALLED "INSURBORDONATE" LETTERS CLAIMED TO BEAR OUR SIGNATURES, AND°THIS COURT "MUST TAKE AS TRUE" THAT (3) ABERNATHY AND LEWIS - CONSPIRED WITH THE OTHER DEFENDANTS TO INFLUENCE THE DISTRICT COURT TO HELP THEM COVER UP THE SECRET HEARING VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER WHICH THEY ALSO UTILIZED TO STEAL THE JUDGMENTS - FOR CASES NOS.C78-31-N AND C78-47-N.

NO RESPONSE OR ANSWER FROM DEFENDANT GORDON-IX.

SINCE DEFENDANT GORDON DID NOT FILE A RESPONSE OR ANY OTHER - ANSWER TO OUR APPEAL PENDING REVIEW IN THIS COURT THIS COURT IS REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE8(b),8(d) AND 55(a) TO ENTER JUDGMENT BY DEFAULT AGAINST DEFENDANT KENNETH GORDON.

THIS COURT IS THEREFORE REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE 8(d) TO"ACCEPT AS TRUE" THE MATERIAL ALLEGATIONS WHICH WE FILED AGAINST DEFENDANT GORDON THAT (1) HE CONSPIRED AGAINST THIS FORMER "CLIENT?" AFTER WE PAID HIM ON SEPTEMBER 7,1976 A RETAINER FEE OF $ 1,500.00 BY HELPING ABERNATHY,LEWIS,SCHACHT,HINCHEY,BOYD, GUNTER,FRANKEL AND JOHNSON TO COVER UP THE COMMISSION'S SECRET HEARING COMPILED HEARING RECORD,AND THAT (2) GORDON DID STEAL OUR RE - TAINER FEE SINCE HE RENDERED NO LEGAL SERVICE FOR US,AND THAT (3) DEFENDANT GORDON DID AWAY WITH OUR COPY OF THE HEARING RECORD COMPILED IN OUR ABSENCE BY THE COMMISSION.

NO RESPONSE OR OTHER ANSWER FROM DEFENDANTS SCHACHT,BOYD,GUNTER OR HINCHEY-X.

THE DEFENDANTS HEREIN HAVE FAILED TO ANSWER OR OTHERWISE DEFEND AS TO APPELLANT'S APPEAL PENDING REVIEW BY THIS COURT,AND THEY HAVE NOT SERVED A COPY OF ANY ANSWER OR OTHER DEFENSE WHICH THEY - MIGHT HAVE HAD,UPON THIS APPELLANT.

SINCE THE DEFENDANTS IDENTIFIED HEREIN FAILED TO DENY OR ADMIT OUR ALLEGATIONS AGAINST THEM THIS COURT IS REQUIRED BY REQUIREMENTS OF FED R CIV PROC RULE 8(d) TO ACCEPTED "AS ADMITTED" AND "AS TRUE" THAT (1) DEFENDANT SCHACHT USED HIS POSITION OF EMPLOYMENT AS THE EXECUTIVE DIRECTOR OF THE GA.PROFESSIONAL PRACTICES COMMISSION (COMMISSION) TO HOLD A SECRET HEARING SO THAT ABERNATHY AND HIS LAWYER, DEFENDANT JAMES LEWIS,COULD COMPILE A HEARING RECORD TO TERMINATE

NO RESPONSE OR OTHER ANSWER FROM DEFENDANTS SCHACHT, BOYD, GUNTER OR HINCHEY-X.

OUR EMPLOYMENT, AND THAT (2) DEFENDANT JOHN HINCHEY, HEARING EXAMINER, FOR THE COMMISSION FOR THAT SECRET HEARING WROTE A REPORT TO TERMINATE OUR EMPLOYMENT WHICH CHARGES AGAINST US WERE BASED ON 22 SO CALLED "INSURBORDONATE" LETTERS CITED BY HINCHEY, BUT THE HEARING RECORD REVEALS THAT WE WERE NOT AFFORDED THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION REVELANT TO THOSE 22 LETTERS WHICH HINCHEY CLAIMS BEARS OUR SIGNATURES, AND THAT (3) DEFENDANT SCHACHT MADE IT POSSIBLE FOR STATE DEPT. OF EDUCATION EMPLOYEES BOYD AND GUNTER TO GIVE FALSE TESTIMONY AND TO PRESENT FRAUDULENT EVIDENCE AGAINST US, AND THAT (4) DEFENDANT SCHACHT LIED TO THE DISTRICT COURT WITH HIS CERTIFICATION THAT BOTH THE COMMISSION HEARING PANEL AND THIS PARTY WERE PRESENT WHEN THE COMMISSION COMPILED THE HEARING RECORD WHICH IS NOW FILE NO. C77-6-N IN THE DISTRICT COURT CLERK'S OFFICE AND THEREFORE SCHACHT CERTIFIED WE WERE AFFORDED DUE PROCESS. HINCHEY UTILIZED 22 OF THE 127 EXHIBITS PRESENTED SECRETLY.

COMPUTATION OF TIME-XI.

SUPREME COURT RULE 29.1 STATES IN PART THAT "IN COMPUTING ANY PERIOD OF TIME PRESCRIBED OR ALLOWED BY THESE RULES, BY ORDER OF THE COURT, OR BY APPLICABLE STATUTE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS - NOT TO BE INCLUDED" "THE LAST DAY OF THE PERIOD SO COMPUTED IS TO BE INCLUDED, UNLESS IT IS A SUNDAY OR A FEDERAL LEGAL HOLIDAY, IN - WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY WHICH IS NEITHER A SUNDAY NOR A FEDERAL LEGAL HOLIDAY"

SUPREME COURT RULE 16.1 REQUIRES THAT THE APPELLEES SERVE THEIR RESPONSE, OR ANSWER, OR DEFENSE TO A JURISDICTIONAL STATEMENT WITHIN 30 DAYS AFTER RECEIPT OF SAME. SERVICE IS COMPLETED BY PLACING THE PLEADING IN THE MAIL DELIVERY SERVICE.

RULE 16 STATES IN PART THAT: "WITHIN 30 DAYS AFTER RECEIPT OF THE JURISDICTIONAL STATEMENT, UNLESS THE TIME IS ENLARGED BY THE COURT OR A JUSTICE THEREOF, OR BY THE CLERK UNDER THE PROVISIONS OF RULE 29.4 THE APPELLEE MAY FILE A MOTION TO DISMISS----------" PLEASE NOTE "WITHIN 30 DAYS"

WE SHOW THIS COURT THAT WE PLACED IN THE MAIL DELIVERY SERVICE COPIES OF OUR JURISDICTIONAL STATEMENT ADDRESSED TO COUNSEL

COMPUTATION OF TIME-XI.

OF RECORD FOR APPELLEES WITH SUFFICIENT POSTAGE TO ASSURE DELIVERY ON MAY 11,1981.THUS,THE COMPUTATION OF THEIR TIME IN WHICH TO RESPOND TO OUR PLEADING BEGAN TO RUN ON MAY 12,1981 AND EXPIRED ON WEDNESDAY,JUNE 10,1981,A TOTAL OF 30 DAYS.

HOWEVER,THE MOTION TO DISMISS AND WAIVER OF RIGHTS TO FILE A RESPONSIVE PLEADING FILED ON JUNE 11,1981 BY DEFENDANTS ABERNATHY, LEWIS AND JOHNSON WAS NOT TIMELY AND SHOULD NOT BE CONSIDERED BY - THIS COURT.

WE SHOW THE COURT THAT AFTER RECEIPT OF OUR MAIL ON JUNE 15, 1981 THAT WE HAD NOT RECEIVED FROM DEFENDANTS SCHACHT,BOYD,GUNTER, AND HINCHEY ANY TYPE OF RESPONSIVE PLEADING,OR ANSWER OR DEFENSE TO OUR JURISDICTIONAL STATEMENT SERVED ON THEM ON MAY 11,1981.FROM MAY 12,1981 THRU JUNE 15,1981 IS A TOTAL OF 35 DAYS.THEREFORE, THE STATE DEFENDANTS HAVE ONCE AGAIN DEMONSTRATED THAT THEY ARE NOT CONCERNED ABOUT CHARGES FILED AGAINST THEM JUST SO LONG AS THE ACCUSOR IS A PRO SE.

THIS COURT IS INFORMED THAT THE SAME FOUR (4) DEFENDANTS DID NOT FILE A RESPONSE TO OUR MOTION FOR SUMMARY JUDGMENT REVELANT TO CASE NO.C79-106-N,BUT SINCE THEY ARE DEFENDED BY THE GA.ATTORNEY GENERAL'S STAFF THEY WERE GRANTED JUDGMENT OF DISMISSAL FOR THAT CASE WITH NO RULING ENTERED UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION.

WE ARE ENTITLED TO JUDGMENT BY DEFAULT AGAINST ABERNATHY,LEWIS, JOHNSON,SCHACHT,BOYD,GUNTER AND HINCHEY & GORDON.FRCP RULE 55(a)..

THERE IS NO DOUBT PER THE FACT THAT THE DEFENDANTS COULD HAVE RESPONDED TO "QUESTIONS PRESENTED"IN OUR JURISDICTIONAL STATEMENT, BUT THEY EVEN WAIVED THEIR RIGHTS TO MAKE THAT RESPONSE CHOOSING INSTEAD TO ADMIT THEIR GUILT BY FILING MOTIONS TO DISMISS BELIEVING THAT THIS COURT WOULD IGNORE THE UN-IMPEACHABLE EVIDENCE THAT THEY WORKED IN COLLUSION WITH THE DISTRICT COURT TO DENY US THE - DUE ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND C78-47-N WHICH FACT BROUGHT ON CASE NO.C79-106-N.

WHEREFORE,DOES THIS COURT'S RULING IN JENKINS V.MCKEITHEN,ID, APPLY TO A CASE WHEN THE PLAINTIFF IS PROCEEDING PRO SE? PRECEDENT? "A PAST INSTANCE THAT MAY SERVE AS AN EXAMPLE OR RULE IN THE FUTURE?

WHEREFORE, BASED UPON THE FACT THAT DEFENDANTS SMITH, HOFFMAN, GORDON, SCHACHT, HINCHEY, BOYD AND GUNTER DID NOT FILE ANY TYPE OF RESPONSE TO OUR JURISDICTIONAL STATEMENT SERVED ON THEM "WITHIN 30 DAYS" AFTER RECIPT OR AT ALL BY JUNE 15, 1981, WE RESPECTFULLY MOVE THIS COURT TO ENTER DEFAULT AGAINST THEM.

WHEREFORE, BASED UPON THE FACT THAT DEFENDANTS ABERNATHY, LEWIS, AND JOHNSON DID NOT SHOW SERVICE ON THEIR MOTION TO DISMISS TO BE "WITHIN 30 DAYS" OF RECEIPT OF OUR JURISDICTIONAL STATEMENT, WE RE - SPECTFULLY MOVES THIS COURT TO RULE THAT THEIR PLEADING WAS NOT - "TIMELY SERVED" AND TO ENTER DEFAULT AGAINST THEM.

WHEREFORE, APPELLANT RESPECTFULLY REQUESTS SUCH OTHER AND FUR- THER RELIEF THAT THIS COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 6/15/81.

APPENDIX

THE DEFENDANTS HAVING FILED MOTIONS TO DISMISS OUR STATEMENT ON THE GROUNDS THAT SAID STATEMENT DOES NOT COMPLY WITH SUPREME - COURT RULE 15 REVELANT TO "JURISDICTIONAL STATEMENT" ARE HEREBY ADVISED THAT WE ATTEMPTED TO FILE ONE STATEMENT BUT THE CHIEF DEPUTY CLERK, MR. FRANCIS J. LORSON, REFUSED TO DOCKET SAME. ATTACHED IS A COPY OF A LETTER SIGNED BY MR. LORSON IN WHICH HE ADVISED US THAT: "UNTIL AND UNLESS YOU PRESENT A JURISDICTIONAL STATEMENT TO THIS OFFICE WHICH COMPLIES IN ALL RESPECTS WITH RULES 10-15, YOUR CASE WILL NOT BE PLACED ON THE DOCKET OF THIS COURT" THEREFORE, WE ADVISE THE DEFENDANTS AND COURT THAT WE MAILED A PROPERLY PREPARED JURISDICTIONAL STATEMENT TO MR. LORSON ON MAY 11, 1981 WHICH WAS AFTER DATE OF THE ATTACHED LETTER ON APRIL 27, 1981.

MR. LORSON DID ACCEPT OUR JURISDICTIONAL STATEMENT AND PLACE IT ON THIS COURT'S DOCKET AND THEREFORE MOTIONS TO DISMISS OUR STATEMENT ON THE GROUNDS THAT IT DOES NOT COMPLY WITH SUPREME COURT RULE 15 ARE COMPLETELY WITHOUT MERIT.

SECONDLY, WE CALL DEFENDANT FRANKEL'S ATTENTION TO THE FACT - THAT WE APPEALLED TWO CASES AND THAT MR. LORSON ASSIGNED ONLY ONE -- SUPREME COURT APPEAL NUMBER TO THOSE TWO CASES. THEREFORE, DEFENDANT FRANKEL'S ARGUMENT THAT JEFFREY SMITH WAS NOT A "PARTY" BELOW IS FALSE SINCE SMITH, HOFFMAN AND THE U.S. DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA, WERE DEFENDANT "PARTIES" BELOW IN THE ABOVE CITED CASE SHOWING "JAMES E. PATTERSON V. OTIS J. ABERNATHY, ET AL" A-828.

Appendix #1

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

April 27, 1981

Mr. James E. Patterson
1004 Vernon Street
LaGrange, Georgia 30240

Re: James E. Patterson v. Hans J. Schacht, et al.; James E. Patterson v. Otis J. Abernathy, et al.
one NUMBER A-828

Dear Mr. Patterson:

Enclosed is another copy of the Rules of the Supreme Court. Until and unless you present a jurisdictional statement to this office which complies in all respects with Rules 10 - 15, your case will not be placed on the docket of this Court. If you are unable to afford the costs of proceeding in this Court, you may preface your appeal with a motion for leave to proceed in forma pauperis as provided by Rule 46. If you do seek to proceed in forma pauperis, you need file only a single typewritten jurisdictional statement.

This Court does not entertain motions for appointment of counsel until and unless a case has been granted and set down for oral argument.

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson

Francis J. Lorson
Chief Deputy Clerk

Enclosures

Since our statement mailed on may 11, 1981 was docketed it is evident that mr. Lorson agreed that it complied with Supreme court rule 15. He loaned us a sample copy as well as a guide. So the motion to dismiss our appeal on the ground that it does not comply with the form/styling required by rule 15 is WITHOUT MERIT.

12.

ADDENDUM

SINCE DEFENDANTS GORDON,SCHACHT,BOYD,HINCHEY,GUNTER HAVE ALL REFUSED TO FILE A RESPONSIVE ANSWER OR TO OTHERWISE DEFEND THE CHARGES WHICH WE HAVE MADE AGAINST THEM TO THIS COURT IT MUST BE SAID THAT THE DISTRICT COURTS HAVE DEMONSTRATED TO THEM IN THE PAST THAT THEY DO NOT HAVE TO BE CONCERNED ABOUT CHARGES BROUGHT AGAINST THEM BY A PRO SE AND SO THEY HAVE DEMONSTRATED BY NOT COMPLYING WITH THE RULES OF THIS COURT THAT THEY ARE CONVINCED THAT THIS COURT WILL - NOT DETERMINE TO REVIEW OUR APPEAL AND THEN GRANT US RELIEF IN THE FORM OF A MANDATED TRIAL ON THE MERITS OF C.A.NO.79-106-N.

SCHACHT,ET AL SIMPLY IGNORED OUR APPEAL BELIEVING THAT THIS --- COURT WOULD NEVER RULE THAT THEY WORKED IN COLLUSION WITH THE DISTRICT COURT TO DENY US THE DUE ADMINISTRATION OF JUSTICE REVELANT TO CASES NOS.C78-31-N AND C78-47-N.

THE COURT HELD IN GODBOLD V.FEDERAL CROP INS.CORP.,(D.C.MISS. 1973) 365 F.SUPP.836 THAT: "IT IS NOT FUNCTION OF FEDERAL COURT TO RESOLVE FACTUAL ISSUES UPON A MOTION FOR SUMMARY JUDGMENT" THUS,THE SAME PRINCIPLE OF LAW SHOULD APPLY WHEN DEFENDANTS REFUSE TO EVEN RESPOND TO THE CHARGES MADE AGAINST THEM.

IT IS NOT THE FUNCTION OF THIS COURT TO REFUSE TO EVALUATE THE NON-CONTROVERTED DAMAGING EVIDENCE WHICH WE HAVE FILED IN THIS COURT AGAINST THE DISTRICT COURT. NO,THE U.S.SOLICITOR,AND OTHER DEFENDANTS WERE UNDER THE DUTY TO CONTROVERT OUR CHARGES AGAINST THEIR COLLUSION WITH THE COURT,BUT THEY REFUSED TO DO SO.

IT SEEMS TO ME THAT WITHIN THE PAST YEAR THAT I HAVE READ THAT THIS COURT RULED THAT WHILE A FEDERAL JUDGE MIGHT HAVE IMMUNITY FROM CIVIL SUIT OTHER PARTIES ACCUSED OF CONSPIRING WITH HIM DID NOT - HAVE SUCH IMMUNITY FROM PROSECUTION.

FUNCTION OF COURT."ON A MOTION FOR SUMMARY JUDGMENT,NEITHER TRIAL COURT OR COURT OF APPEALS ARE PERMITTED TO WEIGH THE EVIDENCE, PASS UPON CREDIBILITY,OR SPECULATE AS TO THE ULTIMATE FINDINGS OF - FACT" PEPPER & TANNER,INC.V.SHAMROCK BROADCASTING CO.,(C.A.ARIZ.1977) 563 F.2d 391. NEITHER IS IT THE FUNCTION OF THIS COURT"TO WEIGH THE EVIDENCE";PASS UPON ITS CREDIBILITY",OR "SPECULATE AS TO THE ULTIMATE FINDINGS OF FACT" REVELANT TO OUR CHARGES AGAINST THE DISTRICT COURT. NO,THE DUTY TO CONTROVERT SAID EVIDENCE IS NOT THAT OF THIS COURT,BUT WAS THE DUTY OF THE U.S.SOLICITOR,WHO WAIVED HIS DUTY TO do So.

CASE NO.80-6657

IN THE SUPREME
COURT OF THE -
UNITED STATES

RECEIVED
MAY 28 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

OCTOBER 1980 TERM

JAMES E.PATTERSON,
APPELLANT,

ORIGINAL COPY

VS.

HANS J.SCHACHT,OTIS J.
ABERNATHY,JAMES LEWIS,
RALPH JOHNSON,NEIL
GUNTER,WESLEY BOYD,
HINCHEY,KENNETH GOR-
DON,THEODORE FRANKEL &
U.S.DIST.COURT-NORTHERN
DISTRICT OF GEORGIA,
APPELLEES.

ON APPEAL FROM THE
FIFTH CIRCUIT COURT
OF APPEALS

SUPPLEMENT TO JURIS-DICTIONAL STATEMENT-APPENDIX

RESPECTFULLY,

James Patterson, pro se

JAMES E.PATTERSON,PRO SE.
1004 VERNON STREET
LAGRANGE,GEORGIA 30240

DATED: 5-26-81.

JUDGE CHARLES A.MOYE,JR.
CHIEF JUDGE-
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
RUSSELL FEDERAL BLDG.
75 SPRING STREET,S.W.

RE: SUPREME COURT CASE NO.80-6657,PATTERSON V. ABERNATHY,UNITED STATES DISTRICT COURT-FOR NORTHERN DISTRICT OF GEORGIA,ET AL.

DEAR SIR:

THIS LETTER RESPONDS TO YOUR LETTER UNDER DATE OF MAY 18,1981 IN WHICH YOU TRY TO BLACK-MAIL ME NOT TO LET THE COMPLAINT IN YOUR -- POSSESSION NAMING YOUR COURT AS THE ONLY DEFENDANT BE FILED.

YOU CLAIM THAT MY FIRST ADMENDMENT RIGHT TO MY "PERSONAL OPINION" OF JUDGES OF YOUR COURT CONSTITUTES CONTEMPT --- ONLY IF --- IF--- I LET YOU FILE THE COMPLAINT,BUT DOES NOT --- IF --- I ADVISE YOU NOT TO FILE THE COMPLAINT.

YOUR LETTER TAKES THE UN-SUPPORTED PERSONAL OPINION THAT WHEN A COURT ISSUES AN UNCONSTITUTIONAL PERMANENT RESTRAINING ORDER AGAINST A PERSON THAT SAID PERSON NEVER HAS THE RIGHT TO SEEK TO SHOW THAT THE RESTRAINING ORDER IS INVALID.

THAT POSITION IS EXPRESSED WHEN YOU IMPLY THAT IF THE SUIT IS FILED THE COURT"MAY THEN"FIND THAT FILING SAID SUIT FURTHER VIOLATES JUDGE TIDWELL PERMANENT RESTRAINING ORDER.

HOWEVER,THIS MUCH ABUSED AND CHEATED PRO SE SHOWS YOU THAT JUDGE TIDWELL DOES NOT HAVE THE POWER TO ISSUE A PERMANENT RESTRAINING - ORDER AGAINST ME PRIOR TO AFFORDING ME A HEARING AND IT IS MY PERSONAL OPINION THAT BOTH YOU AND TIDWELL ARE DISHONEST BY IMPLYING THAT I COULD BE CITED FOR CONTEMPT OF AN ORDER WHICH YOU HAVE REFUSED FOR 14 MONTHS TO LET ME CHALLENGE AND NOW YOU COME FORTH WITH A LETTER WITH THREATS IF I FURTHER VIOLATE TIDWELL'S UNCONSTITUTIONAL RESTRAINING ORDER.

FED R CIV P RULE 65(b) READS IN PART:"IN CASE A TEMPORARY RESTRAINING ORDER IS GRANTED WITHOUT NOTICE,THE MOTION FOR A PRELIMINARY INJUNCTION SHALL BE"SET DOWN FOR HEARING"AT THE EARLIEST POSSIBLE TIME AND SHALL TAKE PRECEDENCE OF ALL MATTERS EXCEPT OLDER MATTERS OF THE SAME CHARACTER---" JUDGE TIDWELL DID NOT"SET FOR A HEARING" MOTIONS FOR PERMANENT RESTRAINING ORDER WHICH WERE NOT SUPPORTED BY AFFIDAVITS BEFORE HE ISSUED A PERMANENT RESTRAINING ORDER AGAINST ME ON MARCH 20,1980 AND I FEEL THAT IT IS DISHONEST FOR YOU TO IMPLY THAT ANY ACTION BY THIS PRO SE--AGAINST---THIS COURT IS GROUNDS FOR CONTEMPT.

SO,WHEREAS,YOUR LETTERS ACCUSING ME OF INSULTING JUDGES OF YOUR COURT DID'NT TAKE INTO CONSIDERATION THE FACT THAT TIDWELL INSULTED ME AND HE DID BECAUSE HE KNEW A PRO SE HAD NO WAY TO PROTECT HIMSELF AGAINST A DISHONEST JUDGE AND HIS UNCONSTITUTIONAL PERMANENT RESTRAINING ORDER ISSUED IN CLEAR VIOLATION OF FRCP RULE 65(b) AND 65 (a)(1).

YOU STATE THAT JUDGE VINING MIGHT DETERMINE THAT FILING OF MY COMPLAINT IN YOUR POSSESSION CONSTITUES FURTHER GROUNDS FOR CONTEMPT,BUT WILL NOT IF I ADVISE YOU NOT TO FILE THE COMPLAINT. WELL SIR,I CAN'T UNDERSTAND WHY VINING WOULD CITE ME A SECOND TIME WHEN HE HAS STEADFASTLY REFUSED FOR 10 MONTHS TO BRING ME TO TRIAL ON A SHOW CAUSE ORDER ENTERED ON AUGUST 7,1980.

YOU SEE,JUDGE,I FILED FOUR MOTIONS SEEKING A CONTEMPT TRIAL AND NEITHER VINING OR TIDWELL OR YOU WOULD RESPOND TO EITHER OF THOSE FOUR MOTION SEEKING A SIXTH AMENDMENT SPEEDY TRIAL WITH COURT APPOINTED COUNSEL. WHY ARE YOU JUDGES AFRAID TO PUBLICLY TRY ME?

BUT NOW YOU WRITE ME AN UNSOLICITED LETTER MAKING THREATS TO CITE ME IF I INSIST ON LETTING YOU FILE MY COMPLAINT NAMING YOUR COURT AS THE ONLY DEFENDANT BE FILED.

YOUR LETTER ACCUSES ME OF INSULTING JUDGES OF YOUR COURT.THEN LET'S CITE EVIDENCE SHOWING THAT THOSE JUDGES "OF YOUR COURT"ARE CHEATERS, DISHONEST AND THAT THEY HAVE INSULTED AND DEMEANED US FOR NO OTHER REASON THAN THEY KNEW THAT THEY COULD GET AWAY WITH "IT"BECAUSE WE LACKED THE PROTECTION OF AN ATTORNEY.

INSULTED YOUR JUDGES: THEN CONSIDER-TO WIT:(1) JUDGE HENDERSON STOLE FEDERAL JUDGMENTS NOS.C78-31-N & C78-47-N FROM ME WITH A FRAUDULENT PROTECTIVE ORDER (P.O.). JUDGE HENDERSON CAUSED THE POSTAL SERVICE TO DELIVERY TO MY MAIL BOX A BIG LIE THAT HENDERSON HELD A DISCOVERY CONFERENCE ON JULY 28,1978 TO HEAR "MY ATTORNEY?" ARGUE FOR MY RIGHTS TO MATERIAL EVIDENCE IN POSSESSION OF THE APPELLEES WHICH THEY HAD PREVIOUSLY UTILIZED AGAINST ME IN MY ABENCE,BUT,STATED HENDERSON IN THAT FRAUDULENT P.O.,HE DID NOT PREVAIL. I ASK YOU,JUDGE MOYE,WOULD A BIG LIE LIKE THAT INSULT AND DEMEAN YOU IF YOU WERE PROCEEDING PRO SE IN A FEDERAL COURT?

I DON'T HAVE ANY PROBLEM SHOWING THAT NO ATTORNEY REPRESENTED ME IN HENDERSON'S COURT TO PROTECT MY PROCEDURAL RIGHTS CONTRARY TO HENDERSON'S FRAUDULENT P.O.. SINCE NO LAWYER REPRESENTED THIS PARTY IT THEN IS ALSO TRUE THAT HENDERSON DID NOT HOLD A DISCOVERY CONFERENCE TO HEAR "MY ATTORNEY?" INSULTED BY HENDERSON? YES.SIR!

JUDGE HENDERSON ALSO INSULTED ME WITH THE LIE THAT A MOTION FOR SUMMARY JUDGMENT DID NOT HAVE TO BE DEFENDED BY THE OPPOSING PARTIES WHEN HE KNEW,OF COURSE, THAT LOCAL RULE 91.72 AND FRCP RULE 56(c),SUBD.(e) MAKES DEFENDING SUCH A MOTION AS MANDATORY.

SO,JUDGE MOYE,SUPPOSE YOU ARE A A PRO SE AND HENDERSON CAUSES THAT LIE TO BE DELIVERED TO YOUR MAIL BOX-WOULD YOU BE INSULTED AND FEEL DEMEANED? I WAS INSULTED BECAUSE I KNEW THAT HENDERSON WAS --

TAKING UNFAIR ADVANTAGE OF ME FOR NO OTHER REASON THAN THAT I WAS A PRO SE.

SO,YOU INSULT ME WITH A BLACK-MAIL LETTER INTENDED TO COVER UP FOR JUDGE ALBERT J.HENDERSON,JR., AMONG OTHER JUDGES OF YOUR COURT. IF YOU WERE HONEST,YOU WOULD COMPENSATE ME FOR THE GROSS ABUSE HEAPED ON ME BY JUDGE HENDERSON,AND OTHER JUDGES OF YOUR COURT.

SO, BEFORE YOU AND VINING DECIDE TO CITE ME A SECOND TIME FOR CONTEMPT I BELIEVE THAT IT WOULD BE IN YOUR BEST INTEREST TO LOCATE THE ATTORNEY WHOM HENDERSON CLAIMS IN HIS ORDERS PROTECTED MY PROCEDURAL RIGHTS IN HIS COURT REVELANT TO CASES NOS.C78-31-N & C78-47-N.

TO WIT:(2):CONSIDER THE LIE THAT JUDGE TIDWELL UTILIZED TO -- FRAUDULENTLY DISMISS C.A.NO.79-106-N. HE FALSELY RULED THAT THAT - ACTION WAS BASED ON CLAIMS ADJUDICATED IN HENDERSON'S COURT.TIDWELL KNEW THAT HE WAS LYING AND THAT CASE NO.C79-106-N DOCUMENTED THAT THE APPELLEES HAD PROCEEDING AGAINST ME IN HENDERSON'S COURT ON THE "STRENGHT"OF A FRAUDULENT ORDER WHICH FALSELY STATED THAT A LAWYER PROTECTED MY DUE PROCESS RIGHTS IN HENDERSON'S COURT. JUDGE TIDWELL KNEW HIS DISMISSAL ORDER WAS BASED ON PERJURY BECAUSE WE FURNISHED HIM A COPY OF THE FRAUDULENT ORDER ALLUDING TO"OUR ATTORNEY?"

TO WIT:(3): TIDWELL NEVER ENTERED A RULING UPON OUR NON-CONTROVERTED MOTION FOR SUMMARY JUDGMENT (S.J.) REVELANT TO CASE NO C 79-106-N AND YOU NOW CLAIM THAT THE INJUNCTIVE CLAUSE TACKED ONTO THE DISMISSAL ORDER FOR THAT ACTION IS IN COMPLIANCE WITH FRCP RULES 65(a)(1) & 65(b) WHEN I WAS NOT AFFORDED A HEARING BEFORE TIDWELL TACKED ONTO DISMISSAL OF CASE NO.C79-106-N A PERMANENT INJUNCTIVE ORDER.WHAT HE REALLY DID WAS TO ORDER SUPPRESSED ALL EVIDENCE OF HENDERSON 'S conduct .SO, TIDWELL CHEATED US OUT OF RIGHT TO S.J. BECAUSE WE WERE PROCEEDING PRO SE AND TO BE CHEATED MADE ME FEEL INSULTED AND DEMEANED. A CASE CAN NOT BE DISMISSED UNDER ABOVE FACTS.

THE HONEST OBSERVER WOULD WONDER WHY THE CHIEF JUDGE WOULD -- WRITE US A BLACK MAIL LETTER TRYING TO COVER UP THE MISCONDUCT OF JUDGE ERNEST TIDWELL INSTEAD OF OFFERING TO COMPENSATE US FOR THE GROSS-MIS--USE OF FEDERAL POWER.

TO WIT:(4): JUDGE TIDWELL RULED IN HIS DISMISSAL ORDER FOR --- CASE NO.C79-106-N THAT SINCE WE HAD NOT SHOWN ANY REASON WHY WE COULD NOT PAY COSTS AND ATTORNEY'S FEES THAT WE WERE ORDERED TO DO SO. WHEREUPON,WE RECEIVED FROM COUNSEL FOR THE APPELLEES REQUESTS FOR OVER $ 10,000.00. THE TRUTH:TIDWELL KNEW THAT SAID RULING WAS A LIE AND THAT WE HAD FURNISHED HIS COURT WITH EVIDENCE SHOWING THAT WE WERE UNEMPLOYED BECAUSE YOUR JUDGES CONFISCATED MY "PROPERTY RIGHTS" TO A JOB WITH THE TROUP COUNTY BD.OF EDUCATION WITHOUT AFFORDING ME DUE PROCESS AND YOUR COURT'S ORDER CONFISCATING MY "PROPERTY -- RIGHTS" SOLD THE APPELLEES THE BIG LIE THAT I WAS DISHONEST UNDER OATH AND THAT FALSE CHARGE CLOSED THE JOB MARKET TO US BECAUSE THE

APPELLEES WENT TO THE NEWS MEDIA WITH THAT LIE FROM YOUR COURTs TO PUBLICLY INSULT US.WELL,SIR,THEY DID INSULT US AND IN THE PROCESS YOUR JUDGES AND THE APPELLEES DESTROYED OUR ONCE EXCELLENT MENTAL HEALTH TO THE EXTENT THAT OUR ONLY INCOME IS DERIVED FROM SOCIAL SECURITY DISABILITY INSURANCE AND WE ARE NOT 62 YEARS OF AGE.

SO,YOUR JUDGES AND YOUR COURTS PRIVATELY AND PUBLICLY INSULT ME BY CAUSING COURT ORDERS WHICH CONTAIN PERJURED FINDINGS TO BE DELIVERED TO MY MAIL BOX AND SOME OF SAID PERJURRY HAS FOUND ITS WAY TO NEWS MEDIA AND YOU HAVE THE AUDACITY TO TELL ME THAT I MAY BE CITED FOR CONTEMPT BUT ONLY --- IF --- I INSIST THAT MY COMPLAINT NOW IN YOUR POSSESSION IS FILED WIT.. THE CLERK.WELL,SIR I DID NOT FILE THE COMPLAINT WITH YOU,BUT WITH THE CLERK.

TO WIT:(5): JUDGE VINING INSULTED ME WITH THE LIE WHICH HE - CERTIFIED TO THE FIFTH CIRCUIT THAT I HAD REFUSED TO APPEAR FOR A SCHEDULED SHOW CAUSE TRIAL ON SEPTEMBER 3,1980,AND HE KNEW,OF COURSE, THAT HE WAS LYING FOR BENEFITS OF THE APPELLEES BECAUSE HE KNEW,OF COURSE,THAT HE CANCELED THAT SET HEARING ON SEPTEMBER 2,1980 RATHER THAN TO APPOINT COUNSEL FOR THIS ABUSED AND CHEATED PRO SE.

MORE TRUTH RE:(5): IF I HAD FAILED TO APPEAR AS VINING LIED TO SAY WAS THE CASE,HE WOULD HAVE CITED ME FOR CRIMINAL CONTEMPT AND ORDERED ME ARRESTED AND HELD WITHOUT BOND PENDING A TRIAL AND HE - WOULD ALSO HAVE ENTERED AN ORDER GRANTING THE APPELLEES DEFAULT JUDGMENT,BUT VINING DID NOT HAVE ME ARRESTED AND HE HAS NOT ENTERED DEFAULT AGAINST ME.

SO,WHEREAS,YOUR ATTACHED LETTER ALLEGES THAT IF VINING CITES ME A SECOND TIME THAT HE WILL APPOINT COUNSEL FOR ME IF "APPROPRIATE" THE PROBLEM WITH THAT SUPPOSITION IS THAT SINCE I KNOW THAT -- VINING IS DISHONEST I ALSO KNOW THAT HE WOULD NOT FIND IT "APPROPRIATE" TO APPOINT COUNSEL FOR US FOR IT IS A MATTER OF RECORD THAT HE HAS IGNORED FOUR MOTIONS ASKING HIM TO BRING US TO TRIAL WITH COURT APPOINTED COUNSEL.

IF I HAD TO STAND TRIAL BEFORE JUDGE VINING KNOWING WHAT I KNOW ABOUT HIM,I WOULD SIMPLY PLEAD GUILTY EVEN IF I WERE INNONCENT BECAUSE HE HAS PROVEN TO ME THAT HE CANNOT BE BELIEVED WHEN HE WILL CERTIFIY AS "TRUE" THE PERJURY THAT WE REFUSED TO APPEAR AS ORDER FOR A CONTEMPT TRIAL.

YES,YOUR HONOR,JUDGE VINING HAS INSULTED ME WITH HIS CERTIFIED PERJURY TO THE FIFTH CIRCUIT COURT OF APPEALS AND IT WAS AN INSULT ALSO TO BE DEMEANED TO THE EXTENT THAT VINING HAD THAT LIE DELIVERED TO MY HOME AND THE ONLY REASON WHY HE GOT AWAY WITH IT WAS THAT HE KNEW THAT YOU WOULD SUPPORT HIM AND NOW YOU ARE PROVING HIM RIGHT.

TO WIT:(6): I REFUSE TO WASTE MY TIME POINTING OUT THE MANY - TIMES THAT JUDGE SHOOB HAS RESORTED TO PERJURY TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE,BUT IF YOU WISH TO CITE ME FOR - CONTEMPT A SECOND TIME AND IF YOU ARE NOT AFRAID TO BRING ME TO TRIAL

I'LL SHOW YOU WRITTEN EVIDENCE FROM THE WITNESS STAND THAT HE IS DISHONEST, ARROGANT AND HAS A BUILT IN HATRED FOR THIS PRO SE AND THE TONE OF HIS ORDERS REVEALS HIS VERY HOSTILE ATTITUDE TOWARD THIS PRO SE.

FOR AN EXAMPLE, JUDGE SHOOB IS ON WRITTEN RECORD OF HAVING RULED THAT ANY PLEADING FILED BY ME SEEKING ANY TYPE OF RELIEF WAS DENIED--EVEN BEFORE I FILE SUCH A PLEADING.

I AM CONFUSED AS TO WHY YOUR LETTER DOES not STATE THAT MY COMPLAINT CAN'T BE FILED BECAUSE IT VIOLATES JUDGE VINING'S ORDER ENTERED IN OCTOBER 2,1980 IN WHICH HE FALSELY RULED THAT HE HAD THE POWER UNDER 28 USC # 1651(a) TO PREVENT ME FROM BRINGING SUIT A--GAINST THE APPELLEES FOR HAVING FILED FRAUDULENT CONTEMPT CHARGES. THEIR CHARGES WERE AND ARE FRAUDULENT AND IF VINING THOUGHT HE COULD CONVICT US ON THE CIVIL CONTEMPT CHARGE HE WOULD HAVE BROUGHT US TO TRIAL SINCE THAT SHOW CAUSE ORDER WAS ENTERED ON AUGUST 7,1980.

YOUR LETTER ALLEGES THAT JUDGE VINING MIGHT DECIDE TO CITE ME A SECOND TIME FOR STATEMENTS IN MY LETTER TO THE CLERK FURNISHED WITH THE COMPLAINT WHICH YOU PREVENTED FROM BEING FILED. HOWEVER, THE FEDERAL APPELLATE COURTS HAVE HELD THAT: "WHILE UNITED STATES COURT HAS POWER TO PUNISH FOR CONTEMPT OF ITS AUTHORITY THAT INCLUDES THE MISBEHAVIOR OF ANY PERSON IN ITS PRESENCE OR SO NEAR TO AS TO OBSTRUCT JUSTICE AND DISOBEDIENCE OR "RESISTANCE TO ITS LAWFUL COMMANDS;"---- IT IS NOT ---- EMPOWERED TO PUNISH AS CONTEMPT ANY --- ACTION --- OR STATEMENT ---MERELY BECAUSE IT MAY DISPLAY DISRESPECT FOR THE COURT" U.S.EX REL-LYNCH V.WERKSMAN (D.C.ILL.1970) 319 F.SUPP.353, F.SUPP.623, AFFIRMED 556 F.2D 568. JUDGE TIDWELL'S PERMANENT RESTRAINING ORDER IS NOT A "LAWFUL COMMAND" SINCE IT WAS ENTERED IN A MANNER INCONSISTENT WITH DUE PROCESS REQUIRED BY FRCP RULES 65(b),& 65(a)(1).

IN ANOTHER CASE THE APPELLANT COURTS RULED THAT: "TO AMOUNT TO CRIMINAL CONTEMPT, --- I-N-S-U-L-T- MUST GO BEYOND AFFORNT AND IN -- SOME WAY OBSTRUCT THE PROCEEDINGS OR THREATEN THE DISPASSIONATE ADMINISTRATION OF JUSTICE" GORDON V.UNITED STATES, (C.A.MASS.1979) 592 F.2D 1215.

IN STILL ANOTHER CASE THE COURT HELD THAT: "IN ABSENCE OF INTENT AND OBSTRUCTION, USE OF --- INSULTING --- DEROGATORY AND DISRESPECTFUL LANGUAGE IN ADDRESSING COURT DO NOT CONSTITUTE CONTEMPT ON PART OF ATTORNEY" U.S.V.MEYERS (D.C.D.C. 1972) 346 F.SUPP.973

THEREFORE, YOUR HONOR, THE FEDERAL APPELLANT COURTS TO DO NOT AGREE WITH YOU THAT WHAT YOU CONSIDER TO BE INSULTING LANGUAGE -- CONSTITUTES GROUNDS FOR CONTEMPT, BUT ALL APPELLANT COURTS DECLARE THAT A PARTY CAN NOT BE CITED FOR EITHER CIVIL OR CRIMINAL CONTEMPT MERELY BECAUSE HE OR SHE EXPRESSED A FIRST AMENDMENT PERSONAL OPINION ABOUT A COURT AND ITS JUDGES..

YOUR LETTER MAKES THE REQUEST THAT I ADVISE YOU WHETHER OR NOT I WANT YOU TO FILE THE COMPLAINT WHICH YOU PREVENTED FROM BEING -- FILED AFTER I MAILED IT WITH A FILING FEE CHECK TO THE CLERK OF COURT, BUT BEFORE I CAN ANSWER THAT ONE QUESTION I MUST HAVE INFORMATION WHICH ONLY YOU AS CHIEF JUDGE CAN ASSURE.

1. CAN YOU ADVISE ME AT TO WHETHER OR NOT I WILL BE CITED FOR CIVIL OR CRIMINAL CONTEMPT IF I AGREE TO LET YOU FILE THE COMPLAINT?

2. IF THE STATEMENTS WHICH YOU DESCRIBED AS "INSULTING"ARE GROUNDS FOR CONTEMPT WHY DON'T YOU CITE ME WHETHER THE COMPLAINT IS FILED OR NOT?

3. WILL YOU ACCEPT RESPONSIBILITY FOR MY RIGHT TO A JURY TRIAL ON ANY CONTEMPT CHARGE FILED AGAINST ME ON THE GROUNDS THAT I MUST SHOW THAT C.A.NO.79-106-N CONTAINS NOT AN INJUNCTIVE CLAUSE, BUT A SUPPRESSION ORDER COVERING UP FOR JUDGE HENDERSON AND THE PRESENT APPELLEES."IN THE FEDERAL COURTS, THE RIGHT TO JURY TRIAL EXTENDS TO ALL ACTIONS IN WHICH "LEGAL" AS DISTINGUISHED FROM "EQUITABLE" RIGHTS ARE TO BE ASCERTAINED" CURTIS V.LOETHER(1974)415 US 189,94 SCT 1005,39 LE2D 260; SIMLER V.CONNER (1963) 372 US 221,83SCT 609, 9 LE2D 691. I HOLD TO THE POSITION THAT I HAVE A "LEGAL RIGHT" TO CHALLENGE THE VALIDITY OF JUDGE TIDWELL'S PERMANENT RESTRAINING ORDER AND THAT OF JUDGE VINING IN WHICH HE PROTECTS THE APPELLEES BY 28 USC # 1651(a), SO HE CLAIMS. BUT YOUR LETTER INSIST THAT I LACK THE "LEGAL RIGHT" TO CHALLENGE TIDWELL'S PERMANENT RESTRAINING ORDER AND IF I DO I AM GUILTY OF A SECOND CHARGE OF CONTEMPT. THUS, I ASK YOU TO ADVISE WHETHER OR NOT YOU WILL AFFORD ME A JURY TRIAL ON ANY SECOND CHARGE OF CONTEMPT?

4. WILL YOU ACCEPT THE RESPONSIBILITY TO ASSURE ME THAT I WILL HAVE WITHIN A WEEK AFTER BEING CITED COURT APPOINTED COUNSEL TO HELP HELP ME PREPARE A DEFENSE AGAINST THE VALIDITY OF TIDWELL'S DISMISSAL ORDER FOR C.A.NO.79-106-N IN WHICH HE VIOLATED FRCP RULES 65(b),65(a)(1) AND 65(d) BY TACKING A SUPPRESSION ORDER ONTO A DISMISSAL ORDER AND THEN DEFINING SAID ORDER AS A "PERMANENT RESTRAINING ORDER"

YOUR LETTER STATED THAT THE COMPLAINT IN YOUR POSSESSION WOULD NOT BE FILED UNTIL AND UNLESS I ADVISE YOU TO FILE IT AND MY RESPONSE TO YOUR REQUEST IS THAT I WANT YOU TO ANSWER THE FOUR QUESTIONS ABOVE BEFORE I MAKE MY DECISION ON YOUR REQUEST.

RESPECTFULLY,

James E. Patterson

JAMES E.PATTERSON
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
404/882-8533

DATED: 5-26-81.

MERE DISRESPECT OR INSULT CANNOT BE PUNISHED WHERE IT DOES NOT INVOLVE ACTUAL OR MATERIAL OBSTRUCTION OF COURT PROCEEDING" IN RE: DELLINGER,(C.A.ILL.1972)461 F.2D389;GORDON V.U.S.(C.A.MASS.1979) 592 F.2D 1215.

ADDENDUM

I DON'T UNDERSTAND WHY YOU DID NOT CONSULT WITH JUDGE SHOOB TO LEARN HOW HE DEPOSES OF PRO SE COMPLAINTS. JUDGE SHOOB NEVER FAILS TO RULE THAT A PRO SE LAWSUIT DOES'NT COMPLY WITH THE FORM REQUIRED BY FRCP RULE 8 IN SPITE OF THE FACT THAT THE UNITED STATES SUPREME COURT HAS CONSISTENLY HELD THAT A PRO SE DRAFTED COMPLAINT DOES'NT HAVE TO COMPLY WITH FRCP RULE 8 REQUIREMENTS.

SO, WHEN I TRIED TO FILE WHAT WOULD HAVE BEEN C.A.NO.80-1236-A-- JUDGE SHOOB ACCEPTED AN EX PARTE MOTION FROM A PARTY NOT UNDER THE COURT'S JURISDICTION TO QUASH MARSHAL'S SERVICE ON THAT COMPLAINT. JUDGE SHOOB RULED THAT C.A.NO.80-1236-A "APPARENTLY" VIOLATED TIDWELL'S PERMANANT RESTRAINING ORDER AND COULD NOT BE FILED, BUT HE DID KEEP MY $ 65.00 IN SPITE OF THE FACT THAT HE LIED BY STATING THAT MY BANK DID NOT PAY THAT CHECK WHEN PRESENTED FOR PAYMENT ON THE -- FIRST EFFORT TO COLLECT FOR IT.

BY THE WAY, JUDGE MOYE, SINCE NO DEFENDANT WAS EVER SERVED A COPY OF WHAT SHOOB REFERRED TO AS C.A.NO.80-1236-A HOW DID THAT ONE PARTY, WHO FILED A MOTION TO QUASH MARSHAL'S SERVICE ON DEFENDANTS, EVEN - KNOW THAT THE COMPLAINT WAS IN SHOOB'S CHAMBERS UNLESS SHOOB CONSPIRED WITH HIM TO SOLICIT AN EX PARTE MOTION?

I CAN'T UNDERSTAND WHY YOU, AS CHIEF JUDGE, DID NOT ISSUE AN ORDER CITING ME FOR CONTEMPT INSTEAD OF WRITING ME A BLACK-MAIL LETTER THREATENED TO DO SO IF I INSISTED THAT I HAD THE "LEGAL RIGHT TO CHALLENGE THE "VALIDITY" OF TIDWELL'S PERMANENT RESTRAINING ORDER

I WAS ENTITLED TO A TRIAL ON THE MERITS OF C.A.NO.80-1236-A BEFORE SHOOB SOLICITED AN EX PARTE MOTION TO QUASH SERVICE TO DEFENDANTS FOR THE COURTS HAVE HELD THAT: "NATURE OF CONTEMPT CASES RE - QUIRES THAT THOSE CHARGED WITH VIOLATION OF AN INJUNCTION AS CONTEMPT BE AFFORDED DUE PROCESS GUARANTEED BY --- U.S.C.A. CONST.-- AMENDS. 5-6-14-ADAMS V. SAMPSON (D.C.N.H.1978) 454 F.SUPP.233. CAN YOU INFORM ME AS TO WHY I WAS DENIED DUE PROCESS WITH C.A.NO.80-1236A?

THEREFORE, PLEASE BE ADVISED THAT JUDGE SHOOB WOULD HAVE BEEN VERY PLEASED TO HAVE DISMISSED MY COMPLAINT WHICH YOU ARE HOLDING, BUT HE WOULD NOT HAVE RETURNED MY FILING FEE OF $ 65.00 AND THAT MUCH MONEY MEANS SOMETHING SPECIAL TO THIS PARTY WHO LIVES ON A DISABILITY INSURANCE CHECK FROM SOCIAL SECURITY.

I'VE BEEN WAITING TEN (10) LONG MONTHS FOR VINING TO BRING ME TO TRIAL WITH COURT APPOINTED COUNSEL FOR "APPARENTLY" VIOLATING TIDWELL'S "PERMANENT SUPPRESSION ORDER" REVELANT TO THE MISCONDUCT OF - FEDERAL JUDGE ALBERT J. HENDERSON, JR. AND I SHOULD APPRECIATE IT IF YOU WOULD AFFORD ME THE RIGHT OF THAT TRIAL WITH COURT APPOINTED - COUNSEL BECAUSE WITHIN 30 MINUTES TIDWELL'S "PERMANENT SUPPRESSION ORDER" WILL BE COMPLETELY INVALIDATED BY ME FROM THE WITNESS STAND.

I RESPECTFULLY REQUEST THAT YOU ANSWER THE FOUR QUESTIONS PRESENTED TO YOU.

FOR YOUR INFORMATION, I ADVISE YOU THAT YOUR COURT AND JUDGES ARE THE SUBJECT MATTERS OF MY APPEAL PRESENTLY PENDING IN THE UNITED STATES SUPREME COURT.

TWO QUESTION PRESENTED FOR REVIEW BY THAT COURT ARE (1) DID JUDGE ALBERT HENDERSON HAVE THE POWER TO LET THE APPELLEES PROCEED AGAINST ME IN HIS COURT ON THE"STRENGHT" OF A FRAUDULENT ORDER DESIGNED TO CONTROL THE JUDGMENTS FOR C.A.NO.78-31-N AND C.A.NO.78-47-N, AND I FURNISHED THE FRAUDULENT ORDER, AND (2) DID JUDGE TIDWELL HAVE THE POWER TO ENTER A PERMANENT RESTRAINING ORDER AGAINST ME IN A MANNER INCONSISTENT WITH DUE PROCESS REQUIRED BY FED R CIV P RULES 65 (a)(1), 65(b) AND 65(d)?

I SINCERELY HOPE AND TRUST THAT THE SUPREME COURT WILL ENTER AN OPINION ON THOSE TWO (2) QUESTIONS PRESENTED.

THE ATTACHED COURT ORDER MARKED EXHIBIT # 1 SHOWS THAT JUDGE VINING, ONE OF YOUR DISTRICT COURT JUDGES, CERTIFIED THE LIE TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE REFUSED TO OBEY A LAWFUL "COMMAND" OF HIS COURT TO APPEAR ON SEPTEMBER 3, 1980 FOR A CONTEMPT TRIAL.

ATTACHED COURT ORDER MARKED EXHIBIT # 2 SHOWS THAT JUDGE -- VINING CANCELED THAT SCHEDULED HEARING ON SEPTEMBER 2, 1980 AND TO MAKE SURE THAT I DID NOT APPEAR HE HAD HIS COURT-ROOM REPORTER TO-CALL ME AND INFORM THAT THE SET HEARING HAD BEEN CONTINUED.

YOU TALK ABOUT INSULTING YOUR JUDGES, BUT YOU SAY NOTHING ABOUT THE GROSS INSULTS HEAPED ON ME BY YOU AND YOUR JUDGES FOR NO OTHER REASON THAT I AM A PRO SE AND ALL OF YOU KNOW THAT YOU CAN ABUSE ME AND DENY ALL OF MY CIVIL RIGHTS WITHOUT FEAR OF BEING EXPOSED OR MADE TO COMPENSATE ME FOR YOUR THEFT OF MY CIVIL RIGHTS. AN - HONEST JUDGE WOULD NOT HAVE WRITTEN THE INTIMIDATING LETTER WHICH YOU WROTE ME MAKING THREATS TO CITE ME FOR CRIMINAL CONTEMPT IF I INSIST THAT YOU FILE MY COMPLAINT WHICH YOU GOT FROM THE CLERK. YOUR COURT CONFISCATED MY"30 YEAR PROPERTY RIGHT"AND WHEN I TRY TO GET DUE PROCESS IN YOUR DISTRICT COURT YOU MAKE THREATS TO CITE ME FOR CRIMINAL CONTEMPT IF I CONTINUE SEEKING TO"PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES" U.S.C.A.CONST.AMEND.1.

NOW, WITH EVIDENCE BEFORE BOTH YOUR EYES AND CONSCIENCE SHOWING THAT JUDGE VINING LIED ABOUT ME FOR BENEFIT OF THE APPELLEES YOU INSIST THAT IF I WANT YOU TO FILE THE COMPLAINT, WHICH YOU ARE HOLDING, THAT YOU WILL ASSIGN IT TO JUDGE VINING'S COURT. THEN YOUR LETTER ALSO STATES THAT JUDGE VINING MAY DECIDE TO CITE ME FOR CONTEMPT. BUT IF I WOULD BE CITED FOR CIVIL CONTEMPT I WOULD ADVISE YOU TO FILE THE COMPLAINT BECAUSE A CIVIL CONTEMPT CITATION CANNOT STAND IF THE UNDERLYING ORDER IN QUESTION IS INVALIDATED VIA A FULL, IMPARTIAL TRIAL. BUT WITH CRIMINAL CONTEMPT, I KNOW THAT SUCH A CITATION STANDS REGARDLESS OF THE VALIDITY OF THE UNDERLYING ORDER.

BE ASSURED THAT I WILL NEVER AGREE FOR YOU, AS CHIEF JUDGE, TO -- ASSIGN ONE OF MY COMPLAINTS TO THE COURT OF EITHER JUDGES MOYE, TIDWELL, VINING, SHOOB OR EVANS FOR TO DO SO IS THE SAME AS A PRO SE

THROWING $ 65.00 IN A HOLE BECAUSE A PRO SE DRAFTED COMPLAINT - FILED WITH EITHER OF THOSE JUDGES DOES NOT GET THE REQUIRED HEARING BEFORE BEING DISMISSED.

"DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT LIMITS THE POWER OF COURTS TO DISMISS AN ACTION WITHOUT AFFORDING A PARTY THE OPPORTUNITY FOR A HEARING ON THE MERITS OF HIS CAUSE" SEE, EMERICK V. FENICK (C.A.FLA.1976) U.S.C.A.CONST.AMEND.5-539 F.2D 1379. JUDGE SHOOB DID NOT AFFORD ME A HEARING BEFORE HE DISMISSED WHAT HE REFERRED TO AS C.A.NO.80-1236-A. NO, HE MERELY RULED THAT THAT ACTION "APPARENTLY" VIOLATED JUDGE TIDWELL'S SUPPRESSION ORDER WHICH TIDWELL CALLS AN INJUNCTION.

JUDGE TIDWELL DID NOT AFFORD ME A HEARING ON MY CAUSE SET FORTH IN C.A.NO.79-106-N BEFORE HE FRAUDULENTLY DISMISSED IT AND TACKED ON TO HIS DISMISSAL ORDER AND ORDER TO SUPPRESS JUDGE HENDERSON'S MISCONDUCT WITH AND FOR BENEFIT OF THE APPELLEES. TO BE SURE, HE CALLS HIS SUPPRESSION ORDER AN INJUNCTION.

"THE PURPOSE OF A PRELIMINARY INJUNCTION IS TO PRESERVE THE STATUS QUO UNTIL MERITS OF ISSUES CAN BE HEARD AND DECIDED" SEE, MIAMI BEACH FEDERAL SAV.& LOAN ASS'N V. CALLANDER, C.A.FLA.1958, 256 F2D 410. JUDGE TIDWELL DID NOT AFFORD ME A HEARING TO DETERMINE THE ISSUES BEFORE HE ISSUED WHAT HE CALLS A PERMANENT RESTRAINING ORDER AGAINST ME.

"A PERMANENT INJUNCTION IS ISSUED ONLY AFTER A FULL TRIAL ON THE MERITS" SEE, CHAPPELL & CO. V. FRANKEL, (C.A.N.Y.1966) 367 F.2D 197. SO, JUDGE TIDWELL FRAUDULENTLY DISMISSES C.A.NO.79-106-N AND ORDERS ALL ALLEGATIONS SUPPRESSED TO COVER UP JUDGE HENDERSON'S CONDUCT OF MALFEASANCE IN OFFICE, BUT HE PRETENDS THAT SAID SUPPRESSION ORDER WAS A "PERMANENT INJUNCTION", BUT HE DID NOT AFFORD US A HEARING ON THE MERITS OF C.A.NO.79-106-N, AND NOW YOU MAKE THREATS TO CITE US FOR CRIMINAL CONTEMPT IF WE INSIST THAT WE HAVE A SECURED RIGHT TO SEEK RELIEF FROM JUDGE TIDWELL'S UNLAWFUL ORDER.

THE LAWSUIT WHICH WE FILED, BUT WHICH YOU PREVENTED FROM BEING OFFICALLY SERVED NAMED ONLY YOUR COURT AS A DEFENDANT. WE DID NOT ASK AS RELIEF ANY MONEY DAMAGES. THE ONLY RELIEF SOUGHT IS TO STRIKE JUDGE TIDWELL'S UNLAWFUL PERMANENT RESTRAINING ORDER FROM THE RECORD, (2) STRIKE JUDGE TIDWELL'S ORDER PROTECTING THE APPELLEES FROM SUIT FOR THEIR HAVING FILED FRAUDULENT CONTEMPT CHARGES AGAINST ME, AND YOUR ATTACHED LETTER INSIST THAT IT WILL BE GROUNDS FOR CONTEMPT IF I INSIST ON MY RIGHT TO SEEK SUCH RELIEF.

WELL, THEN, YOUR POSITION IS CLEAR. IF A COURT FRAUDULENTLY RESTRAINS A PARTY PERMANENTLY HE/SHE HAS NO RIGHT TO SEEK RELIEF.

EXH 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(3) Since you rule that said order is not appealable why have you ignored my motion for a Trial? Oh! I all. You lie to the appeals court that you did offer me a Trial but I failed to appear. a motion denied on the basis of perjury denies due process for a client with counsel, but not for a pro se because a pro se has no federal Court rights.

(4) "For these reasons" civil false statements and a motion based on perjury denies due process if represented by counsel.

J. C. P.
11/5/80

ORDER

I filed no such motion.

(1) The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, (3) order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. [(2) Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. [(4) For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

SO ORDERED, this 6th day of October, 1980.

(1) Deliberate perjury by a federal judge made to the court of appeals to foreclose any motion for denied right to a Trial.

(2) Deliberate perjury made to Court of appeals to falsely say, "we offered him a Trial. But he failed to appear therefore his appeal for a Trial is not Taken in

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, 5318
10/7/80
Ben B. [illegible], Clerk
By: [illegible] Deputy Clerk

9.

NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BY: Karen Harper
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION

#2

NO. C 79-106 N

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia,

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Continued" you said and I retained private Counsel in spite of the fact that I applied for Court appointed Counsel on the ground that I am not employed. 11-15-80

You issued me a show cause order but now refuse counsel and a show cause Trial. WHY? The answer is, "Because, like I told you, you don't need a lawyer and this Court will not appoint one for you."

11/15/80

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

"9-8-80"

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Dan H. Garrett, Clerk
By: [signature]
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Newnan DIVISION

Last time before this Order from Judge Tidwell's court for an Order of Consent Judgment since he did not! See, No. 8 below.

James C. Patterson

Plaintiff

Vs.

Hans J. Schacht, et al

Defendant

CIVIL ACTION NO. 79-106N

#2

Now, I have a "Order of the Court" ordering the defendants to offer me a consent judgment. ITEM No. 8 below. 4-8-80

??

ORDER OF THE COURT

BY DIRECTION OF THE HONORABLE G. ERNEST TIDWELL

Parties are hereby directed that within 90 days of the date of this notice, but not beyond the current discovery deadline, the Court requires a status report from the attorneys for each party.

The status report shall contain the following information: (1)

1. A brief description of the type of case
2. A very brief summary of the contentions and issues involved
3. A description of any jurisdictional or venue problems
4. A list of parties that have not been served, and an explanation of why each party has not been served
5. A summary of discovery -
   (a) Completed
   (b) Contemplated
6. Whether the trial is jury or non-jury and the estimated length of trial
7. Are there any unresolved (a) existing motions (b) do the parties contemplate the filing of any additional motions, and if so, a description of same.
8. (1) Prior to making the status report, counsel are required to hold a good-faith settlement conference (in person and with lead counsel for all parties) and the status report shall give a detailed report of said settlement conference.

F.R.C.P. Rule 68

Dated this 5th day of March, 1980.

#3

C.A. No. 79-106N was filed on 12-3-79. Date of this order - 3-5-80, which was after 3 filed for Summary J. etc.

BEN H. CARTER, CLERK

By: Karen Gardner
Karen Gardner
Courtroom Deputy Clerk
for Judge Tidwell

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

HANS J.SCHACHT,ET AL.

CASE NO.C78-31-N

JAMES E.PATTERSON
PLAINTIFF,PRO SE

V.

OTIS J.ABERNATHY &
KENNETH L.GORDON

CASE NO.C78-47-N

I certainly hope that THIS Court will teach this Federal District Court to be ashamed when it tries to subpoena me for contempt. a CONTEMPT would impede this Judge and others. 3-5-81

PLAINTIFF REFUSES TO SUBMIT A FURTHER BRIEF

THE COURT HAVING REQUESTED AT THE SO CALLED TRIAL FOR THE ABOVE-ENTITLED CASES ON NOVEMBER 20,1978 THAT FINAL BRIEFS BE SERVED ON OR BY NOVEMBER 25,1980 THE PLAINTIFF,PRO SE DECLINES TO COMPLY WITH SAID REQUEST FOR THE FOLLOWING REASONS.

2.

THE COURT HAS ALREADY GRANTED THE DEFENDANTS THE JUDGMENTS FOR BOTH CASES WHEN THE COURT PERMITTED THE DEFENDANTS TO ENTER A FRAUDULENT PROTECTIVE ORDER (P.O.) DESIGNED TO DENY ALL OF MY DISCOVERY RIGHTS WITH CASES IN WHICH ALL EVIDENCE CITED AGAINST ME BY THE GA. PROFESSIONAL PRACTICES COMMISSION (COMMISSION) CAME FROM 127 EXHIBITS WHICH THE COMMISSION CLAIMS BEARS MY SIGNATURES,BUT THE COMMISSION'S HEARING RECORD REVELANT TO THIS MATTER REVEALS THAT I WAS NOT CONFRONTED ON CROSS-EXAMINATION RESPECTIVE TO MY ALLEGED SIGNATURES ON THOSE CITED 127 EXHIBITS.

3.

THE P.O.ORDER CITED ABOVE IN PARAGRAPH NO.2 FALSELY STATES THAT AN ATTORNEY REPRESENTED THIS "PLAINTIFF,PRO SE" AT A DISCOVERY CONFERENCE IN THE COURT'S CHAMBERS ON JULY 26,1978,BUT THE JUDGE KNEW WHEN HE SIGNED THAT FRAUDULENT P.O. THAT NO ATTORNEY REPRESENTED US IN ANY SUCH DISCOVERY CONFERENCE AND THAT THIS PRO SE DID NOT ATTEND ANY SUCH DISCOVERY CONFERENCE AS THAT ALLUDED TO BY THE FRAUDULENT P.O.CONTRARY TO WHAT THE P.O.STATES THEIR CAN BE NO "PLAINTIFF,PRO SE"REPRESENTED BY LEGAL COUNSEL.

4.

THE COURT CONSPIRED WITH THE DEFENDANTS TO DENY MY RIGHT OF COMPULSORY PROCESS TO SUBPOENA THE COMMISSION HEARING PANEL THAT HEARD

THIS MATTER IN A PUBLIC TRIAL ON JULY 16,1976 SO THAT I COULD -- HAVE PROVEN BY THEIR TESTIMONY THAT THE COMMISSION'S TRANSCRIPT OF THIS MATTER IS NOT THAT OF THE PUBLIC HEARING.

5.

THE COURT CONSPIRED WITH THE DEFENDANTS TO PREVENT ME FROM TAKING DEPOSITIONS FROM THEM AND THE COMMISSION HEARING PANEL FOR THIS CASE.

6.

THE COURT DENIED ME DUE PROCESS AT THE SO CALLED TRIAL BY RULING THAT I COULD NOT UTILIZE THE COMMISSION'S COPY OF THE HEARING RECORD REVELANT TO THIS MATTER SO THAT I COULD SHOW THAT THE COMMISSION DENIED ME THE DUE PROCESS RIGHT OF CONFRONTATION ON CROSS-EXAMINATION RESPECTIVE TO THE EXHIBITS WHICH THE COMMISSION HAD PREVIOUSLY USED AGAINST ME ------ IN MY ABSENCE.

7.

IT IS A TRAVESTY ON JUSTICE WHEN A FEDERAL JUDGE DISHONESTLY --- USES HIS AWESOME POWER TO SIGN AN ORDER WHICH FALSELY STATES THAT A LAWYER REPRESENTED US IN A DISCOVERY CONFERENCE IN CHAMBERS ON JULY 26,1978 WHEN THE COURT KNEW/KNOWS THAT THERE WAS NO SUCH DISCOVERY CONFERENCE AND THAT NO LAWYER REPRESENTED US WITH CASES NOS.C78-31-N AND C78-47-N. NO YOUR HONOR, I, A PRO SE, CANNOT WRITE A BRIEF THAT -- WILL OVER-COME SUCH A TRAVESTY ON JUSTICE AND SUCH HEINOUS MISCONDUCT BY A FEDERAL JUDGE.

8.

WHEN THE COURT SIGNED THE P.O. IN QUESTION ON AUGUST 8,1978 IT AUTOMATICALLY GRANTED THE DEFENDANTS JUDGMENTS FOR BOTH CASES NOS. C78-31-N & C78-47-N, AND YET, NO.C78-47-N HAD NOT EVEN BEEN DOCKETED ON JULY 26,1978. THE POINT HERE IS THAT THE COURT FALSELY ALLUDED TO A CONFERENCE ON JULY 26,1978 IN HIS P.O.SIGNED ON AUGUST 8,1978.

9.

SOME OF THE DEFENDANTS NEVER APPLIED FOR A PROTECTIVE ORDER, BUT THE COURT MADE THE FRAUDULENT P.O. APPLICABLE TO THEM AND SO ALL OF PRE-TRIAL DISCOVERY RIGHTS WERE DENIED BY THE COURT'S FRAUDULENT P. O.

10.

WITH CONSIDERATION GIVEN TO THE ABOVE DECLARATION OF FACTS, I AM OF THE OPINION THAT THE REASON WHY THE COURT SPENT NOVEMBER 20,1978 SHOUTING AT ME AT THE SO CALLED TRIAL WAS TO BENEFIT THE DEFENDANTS.

11.

WHEREFORE, THE COURT HAVING ALREADY GRANTED THE JUDGMENTS FOR BOTH ABOVE CAPTIONED CASES WHEN IT ENTERED THE FRAUDULENT P.O.ON AUGUST 8,1978, I KNOW THAT I CANNOT CHALLENGE A FRAUDULENT P.O. AND A DISHONEST JUDGE WITH A FINAL BRIEF AND SO FOR STATED REASONS I DECLINE

THE COURT'S REQUEST FOR A FINAL BRIEF.

12.

WHEREFORE, I AM AWARE OF THE FACT THAT THE COURT CAN CITE ME FOR CONTEMPT WHETHER MY CHARGES DECLARED IN THE FOREGOING OR TRUE OR FALSE, BUT BEFORE I GO TO FEDERAL PRISON FOR CRIMINAL CONTEMPT I WILL BE AFFORDED A PUBLIC TRIAL AND AN OPPORTUNITY TO FORCE THE COURT & DEFENDANTS TO PRODUCE THE ATTORNEY WHOM THEY CLAIMED REPRESENTED THIS CHEATED PRO SE IN JUDGE ALBERT HENDERSON'S COURT REVELANT TO CASES NOS. C78-31-N & C78-47-N.

13.

THE ABOVE STATEMENTS ARE MADE AS A DECLARATION OF FACTS UNDER THE PENALTY FOR MAKING A PERJURED STATEMENT TO A FEDERAL COURT.

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404] 882-8533

DATED: 11-21-78.

the merits of a pleading should over-come the fact that the pleading is not in compliance with form required by this court.
3-9-81

NOW HAVING SUBMITTED EVIDENCE WHICH LEAVES NO DOUBT IN THE MIND OF AN IMPARTIAL, HONEST OBSERVER THAT NO JUDGE ON THE BENCH OF YOUR COURT WILL EVER BRING ME TO PUBLIC TRIAL FOR CIVIL CONTEMPT BECAUSE TO DO SO WOULD IMPEACH JUDGES TIDWELL, HENDERSON, VINING AND SHOOB AND IT WOULD BE PUBLICLY EMBARRASSING TO THEM TO FACE THEIR WRITTEN PERJURED ORDERS, OR ORDERS BASED ON PERJURED FINDINGS, I - FURTHER SUBMIT TO YOU THAT THE SUIT YOU HOLD DOES NOT VIOLATE THE INJUNCTIVE CLAUSE WHICH JUDGE TIDWELL TACKED ONTO THE DISMISSAL - ORDER FOR C.A.NO.79-106-N IN CLEAR VIOLATION OF FED R CIV P RULE 65(d) WHICH REQUIRES THAT AN INJUNCTION BE SERVED AS A SEPARATE JUDGMENT WITH A NOTICE. JUDGE TIDWELL DID NOT ENTER AN INJUNCTION AS A SEPARATE JUDGMENT TO BE SERVED ON ME WITH A NOTICE.

JUDGE TIDWELL'S TACKED ON INJUNCTIVE CLAUSE IMPLIED THAT WE COULD NOT REFILE ANY CLAIM AGAIN WHICH WE HAD FILED IN EITHER THE DISTRICT OR APPELLANT COURT AND I FURTHER SUBMIT TO YOU THAT THE ONE AND ONLY TIME THE U.S.DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA HAS BEEN NAMED AS THE SINGLE DEFENDANT IN A LAWSUIT DRAFT-ED BY THIS CHEATED PRO SE IS THE LAWSUIT WHICH YOU PREVENTED FROM BEING FILED. THEREFORE, THERE IS NO CLAIM IN THE SUIT WHICH YOU HOLD THAT HAS EVER --- BEFORE --- BEEN SET FORTH IN A LAWSUIT FILED BY THIS ABUSED PRO SE IN EITHER THE DISTRICT COURT OR THE APPELLANT COURT. PERIOD. NOW, PUT UP YOUR EVIDENCE TO THE CONTRARY, PLEASE SIR!

IF JUDGE VINING HAD COMPLIED WITH THE REQUIREMENTS OF FED R - CIV P RULE 65(d) YOU WOULD NOT INSIST THAT ANY SUIT FILED BY ME - "VIOLATES JUDGE TIDWELL'S INJUNCTION" WHICH IS VERY UNCLEAR INJUNC-TIVE CLAUSE TACKED ONTO A DISMISSAL ORDER, BECAUSE TO HAVE COMPLIED WITH RULE 65(d) WOULD HAVE SET DOWN IN WRITING IN VERY DEFINITE - STATEMENTS WHICH CONDUCT OR ACTION WAS AND WAS NOT PROHIBITED.

A COMPETENT ATTORNEY, WHICH THIS COURT SHOULD HAVE APPOINTED TO REPRESENT ME LAST AUGUST AFTER CITING ME, WOULD BEAT A CRIMINAL CONTEMPT CHARGE IF VINING'S INJUNCTIVE CLAUSE WAS ATTACKED BECAUSE IT IS UNCONSTITUTIONAL AND IT DOES NOT COMPLY WITH FED R CIV P RULES 65(a)(1), 65(b) & 65(d).

"RIGHT TO REMEDY OF CRIMINAL CONTEMPT FALLS WITH AN INJUNCTION WHICH EVENTS PROVE WAS ERRONEOUSLY ISSUED" HYDE CONST.CO. V.KOEH-RING CO., (C.A.OKL.1968) 388 F.2D 501; DUNN V.U.S., (C.A.OKL.1968) 388 F.2D 511.

"AN INJUCTION ISSUED IN A MANNER INCONSISTENT WITH DUE PROCESS IS VOID" YANISH V.BARBER, (C.A.CAL.1956) 232 F.2D 939.

LAST AUGUST AFTER YOUR COURT HAD ISSUED A SHOW CAUSE ORDER TO ME I FILED TWO AFFIDAVITS WITH YOU SHOWING MY INABILITY TO RETAIN PRIVATE COUNSEL. THE APPELLANT COURTS DECLARE THAT MY REQUEST WAS A MATTER OF A CONSTITUTIONAL RIGHT. "DISTRICT COURT ERRED IN FAILING TO APPOINT DEFENDANT COUNSEL AT OUTSET OF CONTEMPT PROCEEDINGS WHEN HE FACED THE RISK OF BEING FINED OR IMPRISONED" RICHMOND BLACL POL-ICE OFFICERS ASS'N V.CITY OF RICHMOND, VA. (C.A.VA.1977) 18 U.S.C.A. ## 401(3), 6001 et seq; 28 U.S.C.A.#1826, CIVIL RIGHTS ACT OF 1964, # 1101, 42 U.S.C.A.# 2000h. 548 F.2D 123.

RECEIVED IN CLERKS Office
U.S.D.C. - Newnan
MAR 20 1981
BEN H. CARTER, Clerk
By: Deputy Clerk

MR.SID GRIFFETH
DEPUTY CLERK
UNITED STATES DISTRICT COURT
NEWNAN,GEORGIA 30263

IN RE: C.A.NO.79-106-N

DEAR SIR:

MR.ROBERT ALTMAN OF THE FEDERAL DEFENDER PROGRAM HAS BEEN TOLD BY A STAFF MEMBER OF JUDGE VINING'S COURT THAT JUDGE VINING HAD ISSUED AN ORDER DROPPING THE CONTEMPT CHARGES ISSUED AGAINST ME BY - JUDGE TIDWELL ON AUGUST 7,1980.

(1) I DON'T UNDERSTAND WHY THE CLERK'S OFFICE DID NOT FURNISH ME A COPY OF JUDGE VINING'S ORDER DROPPING CONTEMPT CHARGES AGAINST ME.

THE LAST ORDER WHICH I HAD REVELANT TO THOSE CHARGES FROM JUDGE VINING CERTIFIED TO THE FIFTH CIRCUIT THAT CONTEMPT CHARGES COULD NOT BE DROPPED,DISMISSED OR VACATED BY MOTION.SAID ORDER WAS ENTERED ON OCTOBER 9,1980.

RESPECTFULLY,
James E. Patterson
JAMES E.PATTERSON
1004 VERNON STREET
LAGRANGE,GEORGIA 30240

DATED: 3/19/81.

"told" a lie

March 20, 1981

Dear Mr. Patterson:

(1) The reason you were not furnished a copy of the above order dropping the contempt charges. No order of any kind has been filed in the above case.

Respectfully,
Sid G. Griffith
Deputy-in-Charge
Newnan Division

(1) fraudulent Concealment of the facts to prevent me from being represented by a federally funded legal program. Just lie and say "no charges are pending against him" that lie denies me the service of a public defender; Judge may. now read mr. Altman's letter to see that he was lied to.

J.C.P.
5/26/81.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
75 SPRING STREET, S. W.
ATLANTA, GEORGIA 30303

CHARLES A. MOYE, JR.
CHIEF JUDGE

May 19, 1981

Mr. James E. Patterson
1004 Vernon Street
LaGrange, Georgia 30240

Dear Mr. Patterson:

I am in receipt of your complaint styled James E. Patterson v. United States District Court-Northern District of Georgia, tendered to the clerk on or about May 12, 1981. The clerk has asked me for direction with respect to the filing of the complaint in view of the attachment stating that it should not be filed if the clerk were going to assign it to Judge Shoob. Before advising the clerk whether to file the complaint, I am providing you with certain information by way of this letter, so that you may best decide what future course of action to take.

First, the judges of this Court have directed the clerk to assign related cases to a single judge. Such a procedure is most efficient for parties, counsel, and the Court because only one judge has to become educated about circumstances giving rise to several lawsuits. In particular, this procedure involves the assignment of multiple cases filed by any given pro se plaintiff to a single judge. In our experience pro se plaintiffs who file multiple lawsuits often complain in each lawsuit of matters factually or legally related to their other lawsuits. We feel that the Court can more intelligently and efficiently devote to the problems giving rise to such multiple lawsuits the attention they deserve if all such cases are assigned to a single judge.

In view of the above, your complaint, if filed, would be assigned to Judge Vining, before whom there is pending in Patterson v. Schact, et al., C79-106N, an order to show cause why you should not be held in contempt for violating Judge Tidwell's order of August 7, 1980. Upon assignment of the case to Judge Vining, he could order you to show cause why you should not be held in contempt for further violating Judge Tidwell's order by filing your present complaint as well as for using language in the present complaint that is abusive, insulting and scurrilous with respect to this Court and its judges. Of course, he could take whatever other steps he deems appropriate including granting you relief or dismissing your case.

Please inform me by letter directed to the above address whether you wish to have your complaint filed under these circumstances. If you do, as I say, it will be assigned to Judge Vining. If you do not wish to have it filed, it will be returned to you along with your filing fee.

Before deciding what course of action to take, I urge you to seek the advice of an attorney. If you decide to have your complaint filed and if Judge Vining orders you to show cause why you should not be held in contempt, then he will appoint an attorney for you if he determines that such an appointment is appropriate. That will be a matter for his decision.

I hope you will give this matter the serious attention it deserves.

Yours sincerely,

Charles A. Moye, Jr.

Charles A. Moye, Jr.

CAMjr:cc

RECEIVED
MAY 18 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

CASE NO. 80-6657

IN THE UNITED STATES SUPREME COURT

OCTOBER TERM 1980

JAMES E. PATTERSON,
APPELLANT

V.

OTIS, J. ABERNATHY, ET AL &
HANS J. SCHACHT, U.S. DIS--
TRICT COURT-NORTHERN DIS-
OF GEORGIA, ET AL

ON APPEAL FROM THE FIFTH
CIRCUIT COURT OF APPEALS

APPENDIX AMENDED

RESPECTFULLY SUBMITTED

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404]882-8533

10

DATED: _____.

TROTTER, BONDURANT, MILLER & HISHON

ATTORNEYS AT LAW

MICHAEL H. TROTTER
EMMET J. BONDURANT II
ROBERT W. MILLER
ROBERT H. HISHON
MASON W. STEPHENSON
JEFFREY M. SMITH
WILLIAM S. JACOBS
ERIC D. RANNEY

2200 FIRST NATIONAL BANK TOWER
TWO PEACHTREE STREET, N.W.
ATLANTA, GEORGIA 30303

(404) 688-0350

M. JEROME ELMORE
GLEN A. REED
WILLIAM E. HOFFMANN, JR.
SUSAN J. SHIVERS
H. LAMAR MIXSON
RAYMOND D. FORTIN
MARNIA L. ROBINSON

VIOLATES - LOCAL - RULE 161.1

August 6, 1980

HAND DELIVERY

Ex Parte - you did not advise me that you would see the Judge in Chambers on 8/6/80.

The Honorable Marvin H. Shoob
Judge, United States District Court
for the Northern District of Georgia
1921 United States Courthouse
75 Spring Street, S. W.
Atlanta, Georgia 30303

Violates Local Rule 161.1.

I

Re: Patterson v. Abernathy, et al C80-1236A, and
Patterson v. Schacht, C79-106N

Dear Judge Shoob:

Because you have been assigned to Patterson v. Abernathy, C80-1236A, I thought it would be advisable to inform you of a motion I have filed in the related case of Patterson v. Schacht, C79-106N before Judge Tidwell. A copy of the motion and supporting memorandum is enclosed.

On December 11, 1979 the Plaintiff in both cases, James E. Patterson, filed the Complaint in C79-106N, and that case was assigned to Judge Tidwell. On March 20, 1980 Judge Tidwell entered an Order dismissing the Complaint against all Defendants, awarding attorney's fees to the prevailing Defendants, and enjoining Patterson from filing any further action related to the subject matter of C79-106N. A copy of this Order as well as the Complaint in C79-106N is attached to the enclosed motion.

On July 21, 1980, Patterson filed his Complaint in C80-1236A which has been assigned to you. With a few exceptions, the Defendants are the same in both cases. I represent Defendant Theodore J. Frankel in both cases. Additionally, I have been named as a Defendant in C80-1236A. Patterson's purported claim against me is based on actions I took in filing pleadings in C79-106N.

I believe that Patterson's filing the Complaint in C80-1236A violates the injunction entered by Judge Tidwell on

Since you were not served - who called you and told you That C.A. No. 80-1236-A - was in the clerks offfice? If the Appellent Court Approves of this misconduct it will rule in effect That we have no rights, and no right to Challenge an injunction.

OTTER, BONDURANT, MILLER & HISHON

The Honorable Marvin H. Shoob
August 6, 1980
Page Two

It takes a trial on the merits of C.A. No. 80-1236 TO DETERMINE THIS - BUT a fee has NO TRIAL.

Since you were not under the WRH court's jurisdiction ACCEPT FROM YOU?

March 20, 1980. Therefore, I have filed today the enclosed motion to have Patterson held in Contempt of Court and to have the injunction enforced by quashing service of the Complaint in C80-1236A. Neither D nor Defendant Frankel have yet been (1) served with the Complaint in C80-1236A, and I have been informed by the Clerk of the Court that Patterson's check for (2) the filing fee was returned for insufficient funds and is being sent to the bank for the second time. Therefore, none of the Defendants will be served until the filing fee is properly paid.

I have scheduled a meeting with Judge Tidwell for 10 a.m. Thursday August 7th at which time I will ask him to set a date for a hearing on the motion, if he believes a hearing to be necessary, and I will further ask him temporarly to quash service of the Complaint in C80-1236A pending the disposition of my motion. I believe Judge Tidwell has jurisdiction to quash service despite the fact that C80-1236A has been assigned to you on the ground that the filing of the Complaint violates (3) the injunction entered by Judge Tidwell. If Judge Tidwell believes that you rather than he have jurisdiction to quash the service of the Complaint in C80-1236A, I will seek such action from you.

Thank you very much for your consideration.

I

Sincerely,

William E. Hoffmann, Jr.

WEH:raw

cc: The Honorable G. Ernest Tidwell
James E. Patterson

(1) Since C80-1236A was not served on you the court had no jurisdiction over you or a motion from you. (2) Since the bank payed the bad value of the check on July 21, 1980 - your statement of 8/6/80 is a lie. (3) Judge Tidwell did not issue an injunction order as a separate document as required by FRCP, Rule 65(D) and not in compliance with rule 65(a)(1) - no hearing and based upon unsworn allegations. (4) Judge Tidwell cannot legally refuse to adjudicate a summary judgment motion - dismiss - and order that I not try to get a ruling on my S.J. motion by trying to file C.A. 80-1236-A.

If you believe, as you say above, that my trying to file C.A. No. 80-1236-A Violated Judge Tidwell's injunction clause to his order dismissal order no. C79-106-A why have you moved the Court for ten(10) months to deny me a contempt trial?

APPENDIX-# 20-page #56

CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE MAILED A COPY OF THE ATTACHED SUPPLEMENT TO OUR APPENDIX FOR CASE NO. 80-6657 WITH SUFFICIENT POSTAGE AFFIXED THERETO TO ASSURE DELIVERY TO COUNSEL OF RECORD FOR THE APPELLEES WHO ARE AS FOLLOWS:

JOHN TAYLOR
P.O. BOX 1027
LAGRANGE, GEORGIA 30240

STEVEN FANNING
P.O. BOX 668
NEWNAN, GEORGIA 30263

LINDA BIRREL
132 STATE JUDICAL BLDG.
ATLANTA, GEORGIA 30343

WILLIAM E. HOFFMAN, JR.
2200 FIRST NATIONAL TOWER
ATLANTA, GEORGIA 30383

ROBERT J. CASTELLANI
SUITE # 1800
RUSSELL FEDERAL BLDG.
ATLANTA, GEORGIA 30303

James Patterson
JAMES E. PATTERSON, PRO SE

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SUPREME COURT, U.S.

IN THE SUPREME COURT

FOR THE UNITED STATES

JAMES E. PATTERSON,	:	
	:	
Appellant-Petitioner,	:	
	:	
v.	:	NO. 80-6657
HANS J. SCHACHT, OTIS J. ABERNATHY, JAMES LEWIS, RALPH JOHNSON, NEIL GUNTER, WESLEY BOYD HINCHEY, KENNETH GORDON, THEODORE FRANKEL, and THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA,	:	
	:	
Appellees-Respondents,	:	

ORIGINAL COPY

MOTION TO DISMISS APPEAL

William E. Hoffmann, Jr.
TROTTER, BONDURANT, MILLER
& HISHON
2200 First National Bank Tower
Atlanta, Georgia 30383
(404) 688-0350

Attorney for Appellee-Respondent
Theodore G. Frankel

10/

IN THE SUPREME COURT

FOR THE UNITED STATES

JAMES E. PATTERSON,	:	
	:	
Appellant-Petitioner,	:	
	:	
v.	:	NO. 80-6657
HANS J. SCHACHT, OTIS J. ABERNATHY, JAMES LEWIS, RALPH JOHNSON, NEIL GUNTER, WESLEY BOYD HINCHEY, KENNETH GORDON, THEODORE FRANKEL, and THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA,	:	
	:	
Appellees-Respondents,	:	

MOTION TO DISMISS APPEAL

Appellee-Respondent THEODORE G. FRANKEL (hereinafter "Frankel") respectfully moves this Court to Dismiss the Appeal of Appellant-Respondent JAMES E. PATTERSON (hereinafter "Patterson"), on the ground that the Appeal is not made in conformity with the Rules of this Court and on the further ground that the Appeal is frivolous and incomprehensible.

Rule 12 requires an Appeal to be docketed not more than 90 days after the entry of the judgment appealed from. The judgment appealed from in this case was entered on December 29, 1980 and the case was not docketed in this Court until April 9, 1981, a total of 101 days after the entry of judgment. The Appeal, therefore, should be dismissed as not timely filed.

If this Appeal is treated as a Writ of Certiorari, it is untimely under Rule 20. Rule 20 requires that the Writ be

applied for within 30 days of the judgment sought to be reviewed and this time limit may not be extended for more than 30 days.

Rule 15 has to do with the form of the Jurisdictional Statement filed with the Court. Section .1(a) requires that all questions be presented in a short and concise manner without unnecessary detail. Patterson's jurisdictional statement is long, rambling and at times unintelligible. Section .1(b) requires a list of parties within the Jurisdictional Statement if the parties are not listed in the caption. Patterson is inconsistent with the list of parties in his various captions; it is not clear who the parties are. At least one "party" Jeffrey Smith was not a party below. Section .1(e) requires a concise statement of the grounds alleged for jurisdiction. Patterson's alleged grounds for jurisdiction are rambling, unclear and unintelligible.

Since the United States District Court for the Northern District of Georgia is a party, Patterson failed to comply with Rule 28 by failing to serve the Solictor General, Department of Justice.

There are numerous, less serious violations of the Rules of this Court.

Aside from violations of the Rules of the Court, Patterson's Appeal is frivolous, incoherent, unintelligible, and not subject to a rational response.

For the foregoing reasons, Frankel respectfully requests this Court to dismiss Patterson's Appeal, and if the

Court should deem Patterson's filing to be a Petition for Certiorari, that this Court deny the Petition.

This 10th day of June, 1981.

William E. Hoffmann, Jr.
Attorney for Appellee-Respondent
Theodore G. Frankel

OF COUNSEL:

TROTTER, BONDURANT, MILLER
& HISHON
2200 First National Bank Tower
Atlanta, Georgia 30383
(404) 688-0350

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

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SUPREME COURT, U.S.

JUN 18 PAGE 7

NO. 80-6657

JAMES E. PATTERSON,
APPELLANT,

ORIGINAL COPY

VERSUS

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, JEFFERY SMITH, WILLIAM E. HOFFMAN, JR., JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, HANS J. SCHACHT, AND THE UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA, APPELLEES.

REPLY BRIEF

Reply

APPELLANT NOTES THAT APPELLEES REFUSED TO FILE EITHER A MOTION TO DISMISS HIS JURISDICTIONAL STATEMENT OR TO AFFIRM THE LOWER COURT. WHY?

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
[404]882-8533

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CERTIFICATE OF SERVICE ----------

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM,1980

NO.80-6657

JAMES E.PATTERSON,

APPELLANT,

VERSUS

OTIS J.ABERNATHY,RALPH JOHNSON, JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL, JEFFERY SMITH,NEIL GUNTER,WILLIAM E.HOFFMAN,JR.,WESLEY BOYD,JOHN HINCHEY,HANS J.SCHACHT & THE UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA,

APPELLEES.

APPELLANT NOTES THAT APPELLEES RRFUSED TO FILE EITHER A MOTION TO DISMISS HIS JURISDICTIONAL STATEMENT OR TO AFFIRM THE LOWER COURT.WHY?

INTRODUCTION.

THIS ACTION IS PRESENTLY PENDING BEFORE THE COURT ON THE BASIS OF A "JURISDICTIONAL STATEMENT" FILED BY JAMES E. PATTERSON,APPELLANT,PRO SE.APPELLANT FILED HIS "STATEMENT" WITH THE CLERK OF THIS COURT ON MAY 11,1981 BY PLACING SAME IN THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE TO ASSURE ITS DELIVERY TO THE OFFICE OF THE CLERK OF THIS COURT.

THE APPELLEES DID NOT FILE A MOTION TO DISMISS OUR "JURISDICTIONAL STATEMENT",NOR A MOTION TO AFFIRM,NOR ANY OPPOSITION TO "QUESTIONS PRESENTED"BY APPELLANT.

COMES NOW THE APPELLANT AND STATES WHY HE BELIEVES THE APPELLEES DID NOT RESPOND TO HIS "QUESTIONS PRESENTED" WITH HIS JURISDICTIONAL STATEMENT.

ADOPTION. THE APPELLANT BY THIS REFERENCE AND THE PROVISIONS OF FED RULES OF CIV. PROC.RULE 10(c) ADOPTS AS A PART OF HIS "JURISDICTIONAL STATEMENT" THE PLEADING WHICH THE CLERK DOCKETED

ADOPTION.

ON APRIL 9,1981 BUT WHICH WAS NOT ENTITLED "JURIS---- DICTIONAL STATEMENT" OUR "STATEMENT"WAS DOCKETED AFTER APRIL 9TH WHEN THE CHIEF DEPUTY CLERK,MR.LORSON,REQUESTED THAT WE -- FILE A "JURISDICTIONAL STATEMENT"WHICH COMPLIED WITH SUPREME COURT RULE 15 AND HE KINDLY LOANED US A SAMPLE COPY OF A PROPERLY PREPARED "JURISDICTIONAL STATEMENT" TO FOLLOW AS WE PREPARED OUR "STATEMENT".

THEREFORE,WE RESPECTFULLY REQUEST THAT THIS COURT CONSIDER OUR "JURISDICTIONAL STATEMENT" AS OUR ATTEMPT TO MOVE -- THIS COURT TO ENTER ITS OPINIONS ON "QUESTIONS PRESENTED" IN - THE PROPERLY PREPARED "JURISDICTIONAL STATEMENT"MAILED ON MAY 11,1981 WHICH ARE"QUESTIONS" THAT THE LOWER COURTS HAVE REFUSED TO RULE UPON BECAUSE TO HAVE DONE SO THE LOWER COURTS WOULD -- HAVE HAD NO CHOICE OTHER THAN TO AGREE WITH OUR CLAIM THAT FEDERAL JUDGE,ALBERT J.HENDERSON,JR.,CONSPIRED WITH THE APPELLEES TO DENY US DUE PROCESS OF LAW REVELANT TO CASES NOS.C77-6-N,C78-31-N AND C78-47-N.

WHY NO OPPOSITION?

IT MUST BE NOTED WITH MORE THAN JUST A PASSING INTEREST THAT THE DEFENDANTS/APPELLEES HAVE AGAIN TRIED TO CONTROL THE - JUDGMENT OVER THIS MATTER WITH THE SAME DISHONEST CONDUCT WITH WHICH THEY HAVE EMPLOYED TO CONTROL THIS MATTER SINCE 1976.

EXHIBIT NO. 1 ATTACHED SHOWS THAT THEY FALSELY STATED TO THE CLERK OF THE FIFTH CIRCUIT COURT OF APPEALS THAT I HAD MAILED TO THEM ON MAY 12,1981 "NOTICE OF INTENT TO APPEAL" THAT WAS,OF COURSE, A FALSE STATEMENT SINCE WE FILED "NOTICE TO APPEAL"TO THE SUPREME COURT ON FEBRUARY 25,1981.

PLEASE NOTE THAT THE DEFENDANTS FURTHER LIED BY FALSELY ALLEGING THAT THE FEDERAL APPELLANT COURT HAD RULED THAT WE - COULD NOT APPEAL TO THE SUPREME COURT,OR AS THEY STATED,"COULD NOT CONTINUE THIS APPEAL" NOW,OF COURSE,A LAWYER KNOWS THAT NO APPEALS COURT CAN PREVENT A PARTY FROM APPEALING TO THE SUPREME COURT.

THEN PLEASE NOTE THAT EXHIBIT NO. 1 SHOWS THAT THE DEFENDANTS EXPRESSED A DESIRE TO FILE A BRIEF OPPOSING OUR "NOTICE OF INTENT TO APPEAL" WHICH THEY DID NOT RECEIVE FROM US IN

WHY NO OPPOSITION?

THE FIRST PLACE ON MAY 12,1981 AS THEY FAISELY ALLEGE. THUS,THIS COURT SHOULD NOTE WITH A KEEN,PARTICULAR INTEREST THAT THE SAME DEFENDANTS WHO WANTED TO OPPOSE OR NON-EXISTENT "NOTICE OF INTENT TO APPEAL"HAVE NOT FILED A BRIEF DENYING THE TRUTHFULNESS OF APPELLANT'S "QUESTIONS PRESENTED" WITH OUR "JURIS -- DICTIONAL STATEMENT" AND THEY HAD THE RIGHT BY PROVISIONS OF - SUPREME COURT RULE 16.1 TO FILE A MOTION TO DISMISS,OR A MOTION TO DENY US RELIEF,BUT THEY DID NOT HAVE THE RIGHT TO FILE A MOTION TO AFFIRM THE LOWER COURT BECAUSE THE LOWER COURTS,INCLUDING THE FIFTH CIRCUIT COURT OF APPEALS,HAVE ALL REFUSED TO ENTER RULINGS UPON THE "QUESTIONS PRESENTED" IN OUR "JURISDICTIONAL STATEMENT" HOWEVER,THE APPELLEES COULD HAVE ATTACKED THE "QUESTIONS PRESENTED" BUT THEY DID NOT EVEN DO THAT.WHY?

OUR OPINION AS TO WHY THE APPELLEES DID NOT OFFER BRIEFS IN OPPOSITION TO OUR "QUESTIONS PRESENTED" IS TWO FOLD. FIRST, THEY KNOW THAT OUR "QUESTIONS" ARE SUPPORTED BY UN-IMPEACHABLE SUPPORTING EVIDENCE,AND SECONDLY,THEY HOPE THAT THIS COURT WILL NOT CONSIDER THEIR FRAUDULENT CONDUCT OF SUCH "SUFFICIENT MAGNITUDE" AS TO WARRANT THIS COURT'S ATTENTION AND OPINION.

CERTAINLY,EVIDENCE DOCUMENTING THAT APPELLEES ADMIT HAVING CONSPIRED WITH A FEDERAL JUDGE AGAINST THIS PRO SE TO DENY US THE DUE ADMINISTRATION OF JUSTICE DOES WARRANT THIS COURT'S ATTENTION AND OPINION.

IT IS ALSO POSSIBLE THAT BECAUSE THE APPELLEES HAVE ENJOYED A COVER UP OF THEIR FRAUDULENT CONDUCT SINCE 1976 THEY EXPECT THIS COURT TO CONTINUE THE COVER UP OF THEIR FRAUDULENT CONDUCT WITH A FEDERAL JUDGE AND FEDERAL COURT EMPLOYEES,AND THUS, IT IS POSSIBLE THAT THEY OFFERED NO BRIEFS IN OPPOSITION TO OUR EVIDENCE FOR THAT REASON-THEY EXPECT A COVER UP BY THIS COURT.

WHAT DOES THEIR SILENCE SHOW?

BY NOT OFFERING ANY OPPOSING BRIEFS,MOTIONS,OR EVIDENCE, TO APPELLANT'S "QUESTIONS PRESENTED" THE APPELLEES HAVE ADMITTED THAT:

1. THEY DID AS CLAIMED COMPILE A HEARING RECORD TO TERMINATE OUR EMPLOYMENT IN OUR ABSENCE,BUT DESIGNED THE RECORD TO

WHAT DOES THEIR SILENCE SHOW?

1. TO FRAUDULENTLY SHOW OUR PRESENCE;

2. ATTORNEYS FRANKEL AND GORDON DID AS WE CLAIMED USE US,THEIR CLIENT,TO INCREASE THEIR OWN PERSONAL FINANICAL GAIN;

3. THEY DID AS CLAIMED CONSPIRE WITH FORMER FIFTH CIRCUIT COURT EMPLOYEE,RICHARD WINDHORST, (HE WAS FIRED) TO DENY US A FAIR TRIAL ON APPEAL WITH C.A.NO.77-6-,C.A.NO.78-31-N AND C.A. NO.78-47-N.

4. THE APPELLEES HAVE NOT DENIED TO THIS COURT THAT MR. WINDHORST'S EMPLOYMENT WAS TERMINATED BECAUSE OF HIS OPEN CON-- SPIRACY WITH THEM AGAINST THIS PRO SE.

5. THEY DID AS CLAIMED AND SUPPORTED CONSPIRE WITH FEDERAL COURT JUDGE,ALBERT J.HENDERSON,JR., TO GET FROM HIM A FRAUDULENT JUDGMENT FOR CASE NO.C77-6-N AND THEY DID FURTHER CONSPIRE WITH JUDGE HENDERSON TO COVER UP THE FRAUDULENT JUDGMENT FOR C.A. NO.77-6-N AND TO CONTROL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N BY MEANS OF A FRAUDULENT PROTECTIVE ORDER,A COPY OF --- WHICH WE FURNISHED THIS COURT-IN WHICH FRAUDULENT ORDER JUDGE -- HENDERSON FALSELY ALLEGED THAT AN ATTORNEY REPRESENTED US IN HIS COURT TO PROTECT OUR DUE PROCESS RIGHTS REVELANT TO CASES NOS.C 78-31-n & C78-47-N. THE RECORD IN THE CLERK'S OFFICE REVEALS THAT WE PROCEEDED PRO SE WITH CASES NOS.C78-31-N AND C78-47-N.

6. THEY ADMIT THAT THE LOWER COURT DID PROTECT THEM FOR THEIR HAVING CONSPIRED TO VIOLATE OUR CIVIL RIGHTS BY REFUSING TO ADJUDICATE OUR CLAIM OF THEIR CONSPIRACY WITH A FEDERAL JUDGE WHEN WE DOCUMENTED THAT CLAIM IN C.A.NO.79-106-N.

7. THEY ADMIT THAT C.A.NO.79-106-N WAS FRAUDULENTLY DISMISSED WITH THE SUPPRESSION ORDER THAT THEIR CONSPIRACY WITH JUDGE HENDERSON NOT BE UTILIZED IN ANOTHER LAWSUIT,BUT THE COURT CLAIMS THAT SAID SUPPRESSION ORDER WAS AN INJUNCTION,WHICH IF TRUE,WAS ISSUED IN A MANNER INCONSISTENT WITH DUE PROCESS RIGHTS STATED IN FED R CIV. PROC. RULES 65(a)(1),65(b) AND 65(d),AND THEIR DILENCE DOCUMENTS THE DENIAL OF DUE PROCESS REVELANT TO SAID SUPPRESSION ORDER OR "INJUNCTION"

8. THE REFUSAL OF THE APPELLEES TO DENY THEIR CONSPIRACY WITH A FEDERAL JUDGE AGAINST US IS ALL THE MORE THE REASON WHY THIS COURT MUST BELIEVE THAT THEY DID CONSPIRE.

WHAT DOES THEIR SILENCE SHOW?

8. SEE, SPIRES V.HEARST CORP.(D.C.CAL.1976) 420 F.SUPP. 304 ; U.S.V.PARTIN (D.C.LA.1970) 312 F.SUPP.1355.

WHAT ABOUT COURTS BELOW?

WE MUST POINT OUT TO THIS COURT THAT NEITHER THE DISTRICT COURT OR THE FEDERAL APPELLANT COURT HAS ENTERED RULINGS UPON THE "QUESTIONS PRESENTED" AND THE "FACTS"ADMITTED BY THE REFUSAL OF THE APPELLEES TO OFFER OPPOSING EVIDENCE TO OUR "JURISDICTIONAL STATEMENT"

THE APPELLANT WAS PREVENTED FROM EFFECTING APPEALS FOR CASES NO.C78-31-N & C78-47-N IN WHICH JUDGE HENDERSON CONSPIRED AGAINST US BY REASON OF THE FACT THAT FIFTH CIRCUIT COURT EMPLOYEE,WINDHORST, PREVENTED US FROM EFFECTING APPEALS FOR THOSE -- CASES BY USE OF A FRAUDULENT COURT ORDER AS FULLY EXPLAINED IN OUR "JURISDICTIONAL STATEMENT"

THEN WHEN WE TRIED TO GET A RULING UPON THE JUDGE'S CONSPIRACY BY FILING C.A.NO.79-106-N THE COURT REFUSED TO COMPLY WITH FED R CIV. PROC. 52 WHICH REQUIRES THE COURT TO MAKE FINDINGS OF FACTS AND CONCLUSIONS OF LAW THEREON THOSE FACTS,BUT THE COURT DISMISSED C.A.NO.79-106-N WITH A SUPPRESSION ORDER REVELANT TO THE FRAUDULENT MISCONDUCT OF THE JUDGE AND THE APPELLEES COMMANDING THAT WE NOT UTILIZE THAT EVIDENCE IN ANOTHER LAWSUIT.

THEREAFTER,WE WENT TO THE APPELLATE COURT AND MOVED -- FOR A WRIT OF MANDAMUS STRIKING THE SUPPRESSION ORDER TACKED ONTO DISMISSAL ORDER NO.C79-106-N OR FOR A HEARING IF THE COURT ACCEPTED THAT SUPPRESSION ORDER AS A PERMANENT INJUNCTION.OUR MOTION FOR AN ORDER TO STRIKE OR IN THE ALTERNATIVE A HEARING WAS DENIED BY THE FIFTH CIRCUIT COURT OF APPEALS WITHOUT COMMENT.

SO,WE TRIED TO GET A RULING UPON THE JUDGE'S FRAUDULENT CONDUCT BY TRYING TO FILE C.A.NO.80-1236-A, BUT THE COURT AGAIN WORKED AGAINST US TO ACCEPT AN EX PARTE MOTION TO QUASH THAT ACTION FROM A PARTY NOT UNDER THE COURT'S JURISDICTION. ONE WONDERS HOW A PARTY NOT KNOWING THAT WE WERE TRYING TO FILE C.A.NO.80-1236-A TO GET A CONSPIRACY RULING COULD FILE AN EX

WHAT ABOUT COURTS BELOW?

PARTE MOTION UNLESS SOLICITED BY THE COURT.THE FACT MUST BE STRESSED HERE THAT THE DEFENDANTS HAVE NOT DENIED THEIR COLLUSION WITH THE COURT TO GET C.A.NO.80-1236-A QUASHED - BEFORE - A SINGLE DEFENDANT WAS SERVED A SUMMONS AND COPY OF THAT COMPLAINT.

THE ONLY RESULTS THAT WE GOT OUT OF C.A.NO.80-1236-A WAS THAT THE COURT RULED TRYING TO FILE AND HAVE THAT ACTION SERVED ON THE DEFENDANTS WAS EVIDENCE OF CIVIL CONTEMPT.THUS, THE APPELLEES FILED A MOTION ASKING THAT WE BE CITED FOR CIVIL CONTEMPT AND THE ORDER WAS ISSUED ON AUGUST 7,1980,BUT THE --- COURT AND APPELLEEES HAVE REFUSED FOR TEN (10) MONTHS TO BRING US TO TRIAL IN SPITE OUR FOUR (4) MOTIONS ASKING FOR THAT TRIAL.

THEREFORE,WE HAVE THREE TIMES,WITH C.A.NO.79-106-N, WITH AN APPEAL ,WITH FILING C.A.NO.80-1236-A,BEEN DENIED A RUL--- ING UPON THE DOCUMENTED CONSPIRACY OF JUDGE HENDERSON,AND UPON THE "QUESTIONS"NOW PRESENTED TO THIS COURT,AND IT IS NOT MANIFEST THAT THE "QUESTIONS" ON WHICH THE DECISION OF THIS CAUSE DEPENDS ARE "SO UNSUBSTANTIAL" AS TO NOT NEED FURTHER ATTENTION AND OPINION OF THIS COURT.

WHY SHOULD THIS COURT RULE ?

A STATEMENT OF REASONS WHY THE"QUESTIONS" PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION BY THIS COURT SHOWS THAT THE UNITED STATES SUPREME COURT IS UNDER A - DUTY BY ITS ROLE AS SUPERVISOR OVER THE LOWER COURTS TO ASSURE THE CITIZENS OF THIS NATION THAT OUR SYSTEM OF "JUSTICE FOR ALL" WILL NOT BE CORRUPTED BY DISHONEST LOWER FEDERAL COURT JUDGES WHO BY THEIR FRAUDULENT CONDUCT CORRUPT OUR "JUDICAL SYSTEM; AND THIS COURT MUST SEND A MESSAGE TO THE LOWER COURTS THAT IT DOES NOT NOT CONDONE THEIR COVER UP OF EVIDENCE DOCUMENTING THAT JUDGE ALBERT HENDERSON CONSPIRED WITH DEFENDANTS IN HIS COURT TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

THIS CASE DOES NOT REQUIRE A "BRIEF ON THE MERITS", OR ORAL ARGUMENT BECAUSE THE APPELLEES HAVE ADMITTED BY THEIR "SILENCE" THE ALLEGATIONS IN OUR "JURISDICTIONAL STATEMENT; AND OF COURSE,ALLEGATIONS IN "QUESTIONS PRESENTED:

INTIMIDATION OR CHEATED?

DOES A CHIEF JUDGE OF A FEDERAL DISTRICT COURT HAVE - THE RIGHT TO WRITE A PRO SE A LETTER, AS HE DID, ON MAY 18, 1981 MAKING THREATS TO CITE THAT PRO SE FOR CRIMINAL CONTEMPT BECAUSE THE PRO SE FILED A CIVIL ACTION [1] SEEKING RELIEF FROM A PERMANENT INJUNCTION ISSUED AGAINST THAT PRO SE IN A MANNER INCONSISTENT WITH DUE PROCESS RIGHTS SECURED BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1), 65(b) AND 65(d)? THE COURT WAS THE DEFENDANT. [1]

CAN THAT CHIEF JUDGE OR ONE OF THE JUDGES ON THE BENCH OF HIS DISTRICT COURT CITE THAT SAME PRO SE FOR HIS HAVING EXERCISED HIS FIRST AMENDMENT RIGHT OF FREEDOM OF EXPRESSION TO EXPRESS PRO SE'S PERSONAL OPINION ABOUT THE DISHONEST JUDGES ON THE CHIEF JUDGE'S STAFF WHEN EVIDENCE IN THE RECORD PROVES THE PRO SE TO BE CORRECT?

DO WE HAVE A COMPLAINT/GRIPE AGAINST THE DISTRICT COURT WHEN THE RECORD SHOWS THAT WE FILED C.A.NO.79-87-N NAMING ONE, RICHARD WINDHORST, AS THE DEFENDANT, BUT JUDGE TIDWELL LET THE - CASE STAY ON THE ACTIVE DOCKET FOR SIX (6) MONTHS WHEN HE VERY SUDDENLY DISMISSED IT AFTER WE FILED FOR SUMMARY JUDGMENT, BUT HE DID NOT ADJUDICATE OUR NON-CONTROVERTED S.J.MOTION?

THEREFORE, WE SAY THAT EVIDENCE SHOWS THAT JUDGE TIDWELL IS A CHEATER AND IS DISHONEST- BUT THE CHIEF JUDGE ARGUES THAT TO CALL TIDWELL A CHEATER AND A DISHONEST JUDGE CONSTITUTES EVIDENCE OF CRIMINAL CONTEMPT. DOES HE INTIMIDATE THIS PRO SE? YES, BECAUSE THE CHIEF JUDGE WANTED THE ACTION NAMING HIS COURT AS <u>THE DISHONEST DEFENDANT</u> WITH-DRAWN BY THIS PRO SE.

DO WE HAVE A GRIPE WHEN JUDGE TIDWELL LET C.A.NO.79-103 N, NAMING THE U.S.OF AMERICA AS THE ONLY DEFENDANT, STAY ON THE DOCKET FROM OCTOBER 1979 TO JUNE 1980 AND IN ALL OF THAT TIME THE DEFENDANT NEVER ANSWERED OUR MOTION FOR SUMMARY JUDGMENT - FILED IN MARCH 1980 AND TIDWELL DID NOT ADJUDICATE THAT S.J. MOTION EITHER BEFORE OR WHEN HE DISMISSED C.A.NO.79-103-N IN JUNE 1980.

THE DEFENDANT WAS REQUIRED BY FED R CIV P RULE 56(c), SUBD.(e) TO HAVE ANSWERED THE S.J.MOTION IN MARCH 1980-BUT HE DID NOT AND JUDGE TIDWELL LET MARCH, APRIL AND MAY PASS WITHOUT ADJUDICATION OUR MOTION FOR S.J.REVELANT TO C.A.NO.79-103-N ONLY

INTIMIDATION OR CHEATED?

TO RULE IN JUNE 1980 THAT THE ACTION HAD TO BE DISMISSED BECAUSE IT WAS NOT STYLED IN COMPLIANCE WITH RULE 8. IS JUDGE TIDWELL DISHONEST? DID HE CHEAT US OUT OF THE JUDGMENT FOR C.A.NO.79-103-N? YES,HE IS AND BECAUSE WE SAID AS MUCH THE CHIEF JUDGE MADE THREATS TO CITE US FOR CRIMINAL CONTEMPT. INTIMIDATED? CHEATED?

JUDGE VINING IS ANOTHER JUDGE ON THE BENCH OF CHIEF-JUDGE,CHARLES A.MOYE'S,COURT.JUDGE VINING FALSELY CERTIFIED TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE FAILED TO APPEAR AS ORDERED FOR A CONTEMPT TRIAL WHEN THE RECORD SHOWS THAT - JUDGE VINING HAS NEVER SET A DATE TO HEAR THE SHOW CAUSE ORDER SERVED ON US IN AUGUST 1980.

JUDGE VINING LIED TO SAY THAT WE DID'NT WANT A TRIAL BUT THAT THE DEFENDANTS IN C.A.NO.79-106-N DID AND SO THEY APPEARED AND WE DID NOT.GEE! WHAT A LIE FOR BENEFIT OF THE DEFENDANTS.FAILURE TO HAVE APPEARED WOULD HAVE RESULTED IN - JUDGE VINING TRYING US IN ABSENTIA OR OF HIS GRANTING THE DEFENDANTS DEFAULT JUDGMENT.NO SUCH ORDER WAS ENTERED BY JUDGE VINING.

WE SAID THAT JUDGE VINING WAS A CONVICTED LIAR AND WE PRESENTED THE EVIDENCE TO PROVE AS MUCH.BUT CHIEF JUDGE MOYE MADE THREATS TO CITE US FOR CRIMINAL CONTEMPT FOR CALLING -- JUDGE VINING WHAT THE EVIDENCE PROVES HIM TO BE- A CONVICTED LIAR. DID VINING'S PERJURY TO THE APPELLANT COURT INTIMIDATE AND CHEAT US OF EQUAL RIGHTS AND EQUAL PROTECTION OF THE COURT?

DOES THE UNITED STATES SUPREME COURT HAVE A DUTY TO BECOME INVOLVED IN THE EVIDENCE DOCUMENTING DISHONEST FEDERAL JUDGES?

QUESTIONS RAISED.

THIS CASE RAISES THE QUESTIONS OF (1) WHETHER A LOCAL SCHOOL BOARD HAS THE LEGAL POWER TO TERMINATE THE EMPLOYMENT OF A TENURED TEACHER WITH 30 YEARS OF SERVICE WITH THAT LOCAL SCHOOL BOARD IN A MANNER INCONSISTENT WITH DUE PROCESS,AND DOES THAT BOARD (2) THEN HAVE THE POWER TO ASK THE GA.PRO---- FESSIONAL PRACTICES COMMISSION (COMMISSION) TO CONDUCT A SECRET HEARING TO DETERMINE IF THE BOARD HAD SUFFICIENT EVIDENCE

QUESTIONS RAISED.

TO HAVE TERMINATED THE EMPLOYMENT OF THAT TENURED --- TEACHER AT WHICH SECRET HEARING SUPERINTENDENT ABERNATHY AND HIS WITNESSES TESTIFIED AND PRESENTED EVIDENCE AGAINST THAT ABSENT, TENURED, TERMINATED TEACHER, AND (3) DOES A FEDERAL JUDGE HAVE THE POWER TO CONSPIRE WITH ABERNATHY AND COMMISSION EXECUTIVE OFFICERS BY MEANS OF A FRAUDULENT PROTECTIVE ORDER TO COVER VER UP THE DENIAL OF DUE PROCESS BY THE LOCAL SCHOOL BOARD AND BY THE COMMISSION, AND (4) CAN A PRO SE BE FOUND GUILTY OF - BEING THE AUTHOR OF SOME 127 "INSURBORDONATE" EXHIBITS WHEN NO HEARING RECORD SHOWS THAT PRO SE WAS CONFRONTED ON CROSS-EXAMINATION REVELANT TO HIS ALLEGED 127 SIGNATURES, AND (5) CAN A DISTRICT COURT ISSUE A PERMANENT INJUNCTION AGAINST A PARTY WHILE VIOLATING HIS DUE PROCESS RIGHTS CITED BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1), 65(b) AND 65(d), AND (6) CAN A DISTRICT COURT ORDER A PERSON TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CIVIL CONTEMPT AND THEN DENY HIS DUE PROCESS RIGHTS UNDER THE SPEEDY TRIAL ACT TO A HEARING EVEN 10 MONTHS AFTER THE SHOW CAUSE ORDER WAS ENTERED ON AUGUST 7, 1980?

THE CHIEF DEFENDANT IN THIS CASE, THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, HAS NOT SUBMITTED A BRIEF REVELANT TO THIS MATTER AND NOW THE RECORD SHOWS THAT SAID DEFENDANT HAS ADVISED THIS COURT THAT IT DOES NOT NOT - WISH TO FILE A RESPONSE TO OUR "JURISDICTIONAL STATEMENT" AND WE ARE INTELLIGENT ENOUGH TO KNOW THEY SAID DEFENDANT IS EX-- PECTING THE COURT TO CONTINUE THE COVER UP BECAUSE THAT EVIDENCE COMES FROM A LOWLY PRO SE.

WE SUBMIT TO THIS COURT THAT THE U.S. JUSTICE DEPARTMENT HAD THE DUTY TO FILE A BRIEF IN DEFENSE OF JUDGE HENDERSON IF HE WERE NOT GUILTY OF THE CHARGES AND THE COURTS HAVE HELD THAT "FAILURE TO OPPOSE MOTION FOR DISQUALIFICATION OF - JUDGE WAS STRONG SUPPORT FOR GRANTING IT" SEE, SPIRES V. HEARST CORP., (D.C.CAL.1976) 420 F.SUPP.304. THEREFORE, IN THE ABSENCE OF ANY OPPOSITION TO OUR DOCUMENTED FEDERAL JUDICARY CONSPIRACY THIS COURT MUST AGREE THAT IT INCUMBENT UPON IT TO ACCEPT ALL OF OUR PLEADINGS AS HAVING BEEN ABMITTED BY THE ALL DEFENDANTS.

QUESTIONS ADMITTED.

FEDERAL RULES OF CIVIL PROCEDURE RULE 8(d) PROVIDES -- THAT IF A DEFENDANT FILES AN ANSWER TO A COMPLAINT HE MUST - ADMIT OR DENY EACH ALLEGATION IN THE COMPLAINT, BUT IF THE DEFENDANT DOES NOT DENY AN ALLEGATION, OR IF HE DISREGARDS IT BY NOT ADMITTING OR DENYING IT, HE WILL BE CONSIDERED TO HAVE ADMITTED THE ALLEGATION(S).

WE KNOW THAT THE JUSTICE DEPARTMENT WAS NOT BOUND BY RULE 8 IF HE HAD CHOSEN TO FILE AN OPPOSING BRIEF TO OUR --- "JURISDICTIONAL STATEMENT", BUT THE RULE 8 PRINCIPLE SHOULD APPLY FOR A DEFENDANT WHO OFFERS NO OPPOSITION TO APPELLANT'S APPEAL.

FED R CIV PROC RULE 8(c) LISTS 19 MATTERS AS AFFIRMATIVE DEFENSES WHICH ARE MOST COMMONLY USED AND REGARDED AS AFFIRMATIVE IN FEDERAL PRACTICE AT THE TIME THE RULES WERE ADOPTED. THE JUSTICE DEPARTMENT HAD THE RIGHT BY SUPREME COURT -- RULE 16.1 TO FILE A MOTION TO DISMISS OR UPHOLD THE LOWER - COURT AND SAID MOTION COULD HAVE BEEN BASED ON 19 DIFFERENT AFFIRMATIVE DEFENSES, BUT NO OPPOSITION TO OUR APPEAL BY THE DEFENDANT IS JUST CAUSE TO RULE "GUILT ADMITTED? IN EVERY -- LAWSUIT FILED BY THIS PRO SE IN WHICH THE FEDERAL GOVERNMENT WAS INVOLVED THE JUSTICE DEPARTMENT HAS FILED MOTIONS TO DISMISS ON THE GROUNDS THAT SAID COMPLAINT DID NOT COMPLY WITH THE FORM REQUIRED BY RULE 8. SUPREME COURT RULE 16.1(a) GAVE THE JUSTICE DEPARTMENT THE RIGHT TO HAVE FILED THE SAME TYPE OF MOTION TO DISMISS, BUT NO SUCH MOTION WAS OFFERED.

PERSONALLY, I SUBMIT AS A "RAISED QUESTION" COULD THE JUSTICE DEPARTMENT HAVE SUCCESSFULLY ARGUED THAT JUDGE HENDERSON WAS AFFORDED "JUDICAL IMMUNITY?" THEY MOST LIKELY --- COULD HAVE WHICH IS WHY WE NAMED THE COURT AS A DEFENDANT - RATHER THAN A JUDGE. THUS, THE "RAISED QUESTION" FOLLOWS COULD THE JUSTICE DEPARTMENT HAVE SUCCESSFULLY ARGUED THAT THE -- COURT DID NOT PERMIT DEFENDANTS TO CONTROL FEDERAL COURT JUDGMENTS FOR CASES NOS. C78-31-N AND C78-47-N VIA MEANS OF A --- FRAUDULENT PROTECTIVE ORDER WHEN WE FURNISHED THIS COURT WITH A COPY OF THAT FRAUDULENT PROTECTIVE ORDER?

FURTHERMORE, I SUBMIT AS A "RAISED FACT" THAT THE JUSTICE DEPARTMENT DID NOT FILE A MOTION TO DISMISS OUR JURISDICTIONAL

QUESTIONS ADMITTED.

STATEMENT ON THE GROUNDS THAT IT DID NOT COMPLY WITH SUPREME COURT RULE 15 BECAUSE THAT DEFENANT FULLY AND CLEARLY EXPECTS THIS COURT NOT TO CONSIDER SERIOUSLY OUR APPEAL FOR NO - OTHER REASON THAN THAT WE ARE PROCEEDING PRO SE AND TO BELIEVE SAID ALLEGATION AS I DO MAKES ME FEEL VERY INSECURE AND "EATS" AT MY NERVOUS SYSTEM BECAUSE SUCH AN ATTITUDE SHOWS THAT THE DEFENDANTS ADMITS HIS GUILT BUT LOOKS UPON A PRO SE AS SOMETHING LESS THAN A PERSON WHO IS NOT ENTITLED TO HAVE HIS THIS COURT AFFORD HIM WITH EQUAL RIGHTS AFFORDED PARTIES REPRESENTED BY - ATTORNEYS.

NOW THAT THE JUSTICE DEPARTMENT HAS ADMITTED THAT THE COURT DID CONSPIRE WITH THE OTHER DEFENDANTS NAMED IN CASE NO.80-6657 THEY HAVE BEEN STRIPPED OF ANY AFFIRMATIVE DEFENSE BECAUSE IF JOHN DOE ADMITS THAT HE CONSPIRED WITH BILL SMITH AGAINST JAMES PATTERSON ,THEN,SMITH IS GUILTY.SUCH ARE THE FACTS MADE TRUE BY THE COURT WAIVING ITS RIGHT TO FILE ANY TYPE OF RESPONSE TO OUR "JURISDICTIONAL STATEMENT".

LOCAL RULE 91.2 OF THE RULES FOR THE UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA,DECLARES THAT: "FAILURE TO FILE A RESPONSE TO A MOTION SHALL INDICATE THAT THERE IS NO OPPOSITION TO THE MOTION". IF THIS COURT PLEASE,THE DEFENDANTS HAVE ADVISED THIS COURT "THAT THERE IS NO OPPOSITION" BY "FAILURE TO FILE A RESPONSE" TO OUR APPEAL.

CONCLUSIONS.

THIS APPELLANT HAS NOT ASKED THIS COURT TO AWARD HIM ANY MONETARY DAMAGES BECAUSE MONEY IS NOT THE ISSUE HERE,AND IT IS POSSIBLE THAT THE DEFENDANTS HAVE NOT OPPOSED OUR APPEAL BE--- CAUSE WE DID NOT ASK FOR MONETARY DAMAGES, BUT WE ASKED ONLY FOR A TRIAL.

THE ISSUES HERE ARE THAT (1) WE WERE DENIED EQUAL RIGHTS OF SUPERINTENDENT ABERNATHY TO BE PRESENT WHEN HE ASKED HIS - SCHOOL BOARD TO TERMINATE OUR EMPLOYMENT ON APRIL 12,1976,AND (2) WE WERE DENIED EQUAL RIGHTS TO BE PRESENT WHEN ABERNATHY - AND HIS WITNESSES SUBMITTED EVIDENCE AND GAVE TESTIMONY SO THE COMMISSION COULD COMPILE A HEARING RECORD SUPPORTING THE LOCAL

CONCLUSIONS.

BOARD'S DENIAL OF DUE PROCESS IN THE MANNER IN WHICH IT VOTED TO TERMINATE OUR EMPLOYMENT ON APRIL 12,1976,AND (3) WE WERE NOT AFFORDED EQUAL RIGHTS AND EQUAL PROTECTION BY THE - FEDERAL COURT WHEN THE COURT CONSPIRED WITH ABERNATHY AND COMMISSION EXECUTIVE OFFICERS TO CONTROL THE JUDGMENTS FOR FEDERAL COURT CASES NOS.C78-31-N AND C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER FALSELY ALLEGING THAT "MY ATTORNEY"AGREED WITH THE TERMS OF THAT FRAUDULENT PROTECTIVE ORDER WHEN THE COURT KNEW,OF COURSE,THAT NO LAWYER REPRESENTED US WITH THOSE CASES,AND (4) WE ARE ENTITLED TO A "SPEEDY TRIAL" WITH COURT APPOINTED COUNSEL TO ANSWER THE ORDER COMMANDING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CIVIL CONTEMPT OF - COURT,AND (5) WE ARE ENTITLED TO A TRIAL ON THE MERITS OF C.A. NO.79-106-N TO SHOW THAT THE SO CALLED INJUNCTION TACKED ONTO DISMISSAL ORDER FOR THAT ACTION WAS ISSUED IN A MENNER INCONSISTENT WITH SECURED DUE PROCESS RIGHTS BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1),65(b) AND 65(d).

THEREFORE,THE ONLY RELIEF WHICH WE NOW SEEK FROM THIS - COURT IS TO ENTER AN ORDER MANDATING OUR RIGHTS TO A TRIAL UPON THE NON-OPPOSED "QUESTIONS PRESENTED" IN OUR"JURISDICTIONAL STATEMENT"AND THE "ISSUES" CITED HEREIN THE CONCLUSION OF THIS PLEADING.

APPELLANT RESPECTFULLY REQUESTS SUCH OTHER AND FURTHER - RELIEF THAT THE COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 6-8-81.

LAW OFFICES OF
STEVEN E. FANNING P.C.
P. O. BOX 668 18 W. BROAD ST.
NEWNAN, GEORGIA 30264

STEVEN E. FANNING
Ike Hudson

TELEPHONE
(404) 253-8484

U.S. COURT OF APPEALS
RECEIVED
MAY 15 1981
ATLANTA, GA

May 13, 1981

pet. mo. from pet. atty. stating on May 5, 1981 a letter dated 5-13-81-?

Mr. Gilbert F. Ganucheau
Clerk, U. S. Court of Appeals
Atlanta Division Fifth Circuit
Atlanta, Georgia 30303

Re: James E. Patterson Vs. Otis J. Abernathy, Hans J. Schacht, et.al., No. 80-8289
and
James E. Patterson Vs. Otis J. Abernathy, U. S. District Court for the Northern District of Georgia, et.al., No. 80-8290

Dear Mr. Ganucheau:

We represent Mr. Kenneth Gordon, a named party in the captioned cases.

On May 12, 1981, we were served with a "Notice of Intent to Appeal" which we believe has been filed by the Plaintiff/ Petitioner in this matter. No not from me.

In as much as the United States Court of Appeals for the Fifth Circuit (Atlanta Division) has ruled that Mr. Patterson may not continue with his legal actions, we are uncertain if we should at this time file a brief in opposition to Mr. Patterson's "Notice of Intent to Appeal".

Please advise us if it is necessary, at this time, to file a brief in opposition to Mr. Patterson's "Notice of Intent to Appeal".

Thank you for your kindness and cooperation.

Yours Very Truly,
Steven E. Fanning, P.C.

By: Ike Hudson

IH/rg

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JUDGE MOYE,

NOW, THAT THE JUSTICE DEPARTMENT HAS AFMITTED THAT YOUR COURT IS GUILTY OF CONSPIRING AGAINST US, WE SEEK THE ACTION OF AN HONEST CHIEF JUDGE.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

JAMES E. PATTERSON, PETITIONER

vs. No. 80-6657

OTIS ABERNATHY, ET AL., RESPONDENTS

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

WADE H. McCREE, JR.
Solicitor General

JUNE 1, 1981.

appendix no. 2

cc: MR. JAMES E. PATTERSON
1004 Vernon Street
Lagrange, Georgia 30240
(Air Mail)

WHEN A PARTY CHARGED WITH A CRIME GOES BEFORE THE COURT AND PLEADS "NO DEFENSE" HE/SHE IS ADMITTING THAT HE/SHE IS "GUILTY AS CHARGED" AND BY OFFERING NO DEFENSE SAID PARTY "THROWS HIMSELF/HERSELF ON THE MERCY OF THE COURT" THE JUSTICE DEPT. BY THIS MOTION ADMITS THAT THE COURT IS "GUILTY AS CHARGED" U.S.DIST.COURT.NORTHERN DIST.GA.

(Formerly G-56) FORM OSG-13
DOJ 12-7-76

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"AN APPELLANT WHO INTENDS TO URGE ON APPEAL THAT A FINDING OR CONCLUSION IS SUPPORTED BY THE EVIDENCE MUST INCLUDE IN THE RECORD A TRANSCRIPT OF ALL EVIDENCE REVELANT TO THAT FINDING OR CONCLUSION." "THE APPELLANT HAS THE BURDEN TO PROVIDE THE APPELLANT COURT "WITH AN APPENDIX SUFFICIENT TO SUPPORT ITS POINTS ON APPEAL." FED R APP P RULE 10 h. U.S.V.ONE MOTOR YACHT NAMED MERCURY,(1ST CIR 1975) 527 F 2D 1112; RACHBACH V.COGSWELL,(10TH CIR 1976) 547 F2D 502.

1. WE FURNISHED IN OUR APPENDIX A COPY OF THE FRAUDULENT COURT ORDER UTILIZED BY FORMER JUDICAL SUPPORT OFFICER FOR THE FIFTH CIRCUIT COURT OF APPEALS,ONE RICHARD WINDHORST, TO PREVENT US FROM EFFECTING APPEALS FOR CASES NOS.C78-31-N AND C78-47-N.

2. THE DEFENDANTS OFFERED THIS COURT NO COUNTER EVIDENCE REVELANT TO OUR CLAIM RESPECTIVE TO WINDHORST'S CONSPIRACY WITH THE DEFENDANTS AND NOW THEY HAVE WAIVED THEIR RIGHTS TO EVEN FILE A RESPONSE TO MR.WINDHORST'S CONSPIRACY WITH THEM.

3. THEREFORE,IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE FURNISHED "SUFFICIENT EVIDENCE IN THE APPENDIX TO SUPPORT OUR POINT ON APPEAL."

4. THE DEFENDANTS HAVE NOT OFFERED ANY COUNTER EVIDENCE TO CONTROVERT OUR CLAIM REVELANT TO THE CONSPIRACY WITH THE FRAUDULENT PROTECTIVE ORDER AND HAVE NOW WAIVED THEIR RIGHTS TO ATTACK THAT EVIDENCE AS "INSUFFICIENT"

5. EVIDENCE FURNISHED BY THE APPELLANT IN THE APPENDIX OF HIS APPEAL INCLUDED A COPY OF THE FRAUDULENT PROTECTIVE ORDER NOT SIGNED AND A SECOND COPY WHICH WAS SIGNED BY A FEDERAL JUDGE AND THE DEFENDANTS HAVE NOT CONTROVERTED OR RESPONDED TO THAT EVIDENCE AND THEREFORE IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE FURNISHED "SUFFICIENT EVIDENCE TO SUPPORT OUR POINT ON APPEAL."

6. THE FRAUDULENT PROTECTIVE ORDER WAS UTILIZED TO PREVENT US FROM PROVING OUR CLAIM THAT THE COMMISSION CONDUCTED A SECRET HEARING IN OUR ABSENCE TO COMPILE A HEARING RECORD THAT WOULD SUPPORT THE LOCAL SCHOOL BOARD'S TERMINATION OF OUR EMPLOYMENT ON APRIL 12, 1976 WHICH WAS ALSO DONE IN OUR ABSENCE.

7. NOW THAT WE HAVE FURNISHED THIS COURT "WITH SUFFICIENT EVIDENCE IN OUR APPEAL APPENDIX" TO SUPPORT OUR CLAIM REVELANT TO THE PURPOSE FOR THE FRAUDULENT PROTECTIVE ORDER AND NOW THAT THE DEFEND-

AUTHORITIES

7. ANTS HAVE CHOSEN NOT TO RESPOND TO OUR EVIDENCE IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE HAVE PROVEN OUR ABSENCE WHEN THE COMMISSION COMPILED THE HEARING RECORD REVELANT TO THIS MATTER BECAUSE WE FURNISHED THIS COURT "WITH AN APPENDIX SUFFICIENT TO SUPPORT ITS (THIS) POINT ON APPEAL" AND SILENCE FRAOM THE DEFENDANTS LEAVES THE COURT WITH NO CHOICE OTHER THAN TO FIND THAT WE WERE ABSENT AND THAT THE COURT AND DEFENDANTS TRIED TO COVER UP THAT FACT WITH A FRAUDULENT PROTECTIVE ORDER DESIGNED TO DENY OUR RIGHT OF - ACCESS TO ALL EVIDENCE AND THE RIGHT TO TAKE DEPOSITIONS FROM THE DEFENDANTS AND THE RIGHT OF ACCESS TO THE COMMISSION'S COPY OF"THIS HEARING RECORD"